



# भारत का राजपत्र The Gazette of India

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No. 15]

NEW DELHI, APRIL 4—APRIL 10, 2004, SATURDAY/CHAITRA 15—CHAITRA 21, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

मंत्रिमंडल सचिवालय

नई दिल्ली, 26 मार्च, 2004

का. आ. 853.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 23 पीसीआर 2004 दिनांक 25-2-2004 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से

1. श्री अशोक एस. कुलकर्णी, तत्कालीन शाखा प्रबंधक, कार्पोरेशन बैंक, हसन
2. श्री एम. एल. भण्डारी, तत्कालीन शाखा प्रबंधक, कार्पोरेशन बैंक, हसन
3. श्री के. रत्नाकर पाई, तत्कालीन शाखा प्रबंधक, कार्पोरेशन बैंक, हसन
4. सुश्री निगर सुलताना, तत्कालीन अधिकारी, कार्पोरेशन बैंक, हसन
5. श्री जी.सी. चन्द्रमोहन, निदेशक मैसर्स बेस्ट कॉफी क्योरिंग वर्क्स प्रा. लि., हसन

6. श्री बी. एल. फर्नांडीज, निदेशक, मैसर्स बेस्ट कॉफी क्योरिंग वर्क्स प्रा. लि., हसन
7. श्री एस अनिल सुब्बैया, प्रबन्धक, निदेशक मैसर्स बेस्ट कॉफी क्योरिंग वर्क्स प्रा. लि., हसन
8. श्री के. के. चेंगप्पा, हुदूर गांव, विराजपेट तालुक, कुरग जिला
9. श्री के. सी. महेश कुमार, कनाथुर, अलूर तालुक, हसन
10. श्री के. ए. नातेश, बल्लूपेट, सकलेशपुर तालुक, हसन
11. के. एस. राजशेखर, मेन रोड, कोडलीपेट, कोडलीपेट पोस्ट, कुरग जिला
12. श्री डी वेंकटेश, देवीहल्ली, कुंदूर पोस्ट, अलूर तालुक, हसन जिला
13. श्री जे. सी. विद्या किरण, चागली एस्टेट, हनबल पोस्ट, सकलेशपुर तालुक, हसन
14. श्री एच. एस. मोहन, 958, के. आर. पुरम, सैमपिंगे रोड, हसन
15. श्री कुमार स्वरूप, एच. एन. डी. नं. 2353/2, डीएआरपी मुख्यालय के सामने, हौसालाइन रोड, हसन

16. श्री एस. सी. अप्पन्ना गौड़ा, सिरादनहल्ली गांव, मालीपटना पोस्ट, अरकलगुड तालुक
17. श्री के. के. चन्द्राचर, विरुपक्षेवरा टेंपल रोड, हसन
18. श्री ए. पी. पूवैया रामपुरा पी.ओ. चिकमगलूर
19. श्री बी.एस. मंजूनाथ राव, हुनसिनाकेरे लेआउट, संतापेट हाई स्कूल के पीछे, हसन
20. श्री एच. एन. गणेश्वर राव, कोडलीपेट, सोमवरपेट तालुक
21. श्री बी. के. राजकुमार, के. होसाकोटे, अलूर तालुक
22. श्री जी. आर. शांतप्पा, गोपालपुरा गांव, सोमवरपेट तालुक, नार्थ कोडागु
23. श्री एच. एम. रामचन्द्र, बेडागोट्टा, कोडलीपेट पोस्ट, नार्थ कोडागु
24. मैसर्स वेस्ट कॉफी क्योरिंग वर्क्स प्रा. लि., हसन

और किसी अन्य लोक सेवक अथवा व्यक्ति के विरुद्ध भारतीय दंड संहिता की धारा 120-बी संपठित धारा 420, 471 और भ्रष्टाचार निवारण, अधिनियम, 1988 की धारा 13 (2) संपठित धारा 13(1) (डी) के अधीन दंडनीय अपराधों और उक्त अपराधों से संबंधित अथवा संसक्त तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/22/2004-डी. एस. पी.ई.]

शुभा ठाकुर, अवर सचिव

#### CABINET SECRETARIAT

New Delhi, the 26th March, 2004

S.O. 853.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 23 PCR 2004 dated 25-2-2004 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable U/sec. 120-B r/w 420, 471 IPC and 13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988. against

1. Sri. Ashok S. Kulkarni, then Branch Manager, Corporation Bank, Hassan
2. Sri. M.L. Bhandari, then Branch Manager, Corporation Bank, Hassan
3. Sri. K. Ratnakar Pai, then Branch Manager, Corporation Bank, Hassan

4. Miss. Nigar Sultana, then Officer, Corporation Bank, Hassan
5. Sri. G.C. Chandramohan, Director M/s. Best Coffee Curing Works Pvt. Ltd., Hassan
6. Sri. V.L. Fernandes, Director, M/s. Best Coffee Curing Works Pvt. Ltd., Hassan
7. Sri. S. Anil Subbaiah, Manager, Director, M/s. Best Coffee Curing Works Pvt. Ltd. Hassan
8. Sri. K.K. Chengappa, Hudoor Vil., Virajpet Taluk, Coorg Dist.
9. Sri. K.C. Mahesh Kumar, Kanathur, Alur Taluk, Hassan
10. Sri. K.A. Natesh, Ballupet, Sakleshpur Taluk, Hassan
11. Sri. K.S. Rajasekhar, Main Road, Kodlipet, Kodlipet Post, Coorg District
12. Sri. D. Venkatesh, Devihalli, Kundur Post, Alur Taluk, Hassan District
13. Sri. J.C. Vidya Kiran, Chagalli Estate, Hanbal Post, Sakleshpur Taluk, Hassan
14. Sri. H.S. Mohan, 958, K.R. Puram, Sampige Road, Hassan
15. Sri. Kumar Swaroop, HND No. 2353/2, Opp. DARP Head Quarters, Hosaline Road, Hassan
16. Sri. S.C. Appanna Gowda, Siradanahalli Vill., Malipatna Post, Arkalgud Taluk
17. Sri. K.K. Chandrachar, Virupakshewara Temple Road, Hassan
18. Sri. A.P. Poovaiah, Rampura P.O., Chickmagalur
19. Sri. B.S. Manjunath Rao, Hunasinakere Layout, Behind Santhapet High School, Hassan
20. Sri. H.N. Ganeswar Rao, Kodlipet, Somwarpet Taluk
21. Sri. B.K. Rajkumar, K. Hosakote, Alur Taluk
22. Sri. G.R. Shantappa, Gopalpura Vill., Somwarpet Taluk, North Kodagu
23. Sri. H.M. Ramachandra, Bedagotta, Kodlipet Post, North Kodagu
24. M/s. Best Coffee Curing Works Pvt. Ltd., Hassan

and any other public servant or person in relation to, or in connection with the said offences, and any other offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/22/2004-DSPE]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 26 मार्च, 2004

का. आ. 854.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 26 पीसीआर 2004 दिनांक 25-2-2004 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से श्री सी.एम.एम. रेड्डी पुत्र (स्वर्गीय) श्री लिंगा रेड्डी वरिष्ठ शाखा प्रबन्धक, नेशनल इश्योरेंस कंपनी लिमिटेड, गुलबर्गा और किसी अन्य लोक सेवक अथवा व्यक्ति के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 7 के अधीन दंडनीय अपराधों और उक्त अपराधों से संबंधित अथवा संसक्त तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य करती है।

[ सं. 228/23/2004-डी०एस०पी०ई० ]

शुभा ठाकुर, अवर सचिव

New Delhi, the 26th March, 2004

S.O. 854.— In exercise of the powers conferred by sub-section (1) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 26 PCR 2004 dated 25-2-2004, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under Section 7 of Prevention of Corruption Act, 1988, (Act No. 49 of 1988) against Shri C.M.M. Reddy, S/o (Late) Sri Linga Reddy, Senior Branch Manager, National Insurance Company Limited, Gulbarga and any other public servant or person in relation to, or in connection with the said offences, and any other offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/23/2004-DSPE]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 30 मार्च, 2004

का. आ. 855.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पश्चिम बंगाल सरकार के गृह (राजनीतिक) विभाग, मीक्रेट ब्रांच की अधिसूचना सं. 583-पीएस दिनांक 29 मार्च, 2004 द्वारा प्राप्त पश्चिम बंगाल सरकार की सहमति से बोलपुर पुलिस स्टेशन में भारतीय दण्ड संहिता की धारा 457/380 के अधीन दर्ज मामला

प्रथम सूचना रिपोर्ट संख्या 40/2004 दिनांक 25 मार्च, 2004 और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध अथवा अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना की सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण पश्चिम बंगाल राज्य पर करती है।

[ सं. 228/25/2004-डी०एस०पी०ई० ]

भाष्कर खुलबे, निदेशक

New Delhi, the 30th March, 2004

S.O. 855.— In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of Government of West Bengal, Home (Political) Department, Secret Branch vide Notification No. 583-PS dated 29th March 2004 hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to whole of the State of West Bengal for investigation of case F.I.R. No. 40/2004 dated 25th March 2004 registered at Bolpur Police Station under sections 457/380 of Indian Penal Code and attempts, abetments and conspiracy in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/25/2004-DSPE]

BHASKAR KHULBE, Director

गृह मंत्रालय

नई दिल्ली, 1 अप्रैल, 2004

का. आ. 856.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, गृह मंत्रालय के निम्नलिखित कार्यालयों में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80% से अधिक हो जाने के फलस्वरूप उन्हें एतद्वारा अधिसूचित करती है :

केन्द्रीय रिजर्व पुलिस बल

1. कार्यालय कमांडेंट-149 बटालियन, केन्द्रीय रिजर्व पुलिस बल

सीमा सुरक्षा बल

- 69 बटालियन सीमा सुरक्षा बल
- क्षेत्रीय मुख्यालय सीमा सुरक्षा बल विद्रोह रोधी सं०-2
- क्षेत्रीय मुख्यालय सीमा सुरक्षा बल विद्रोह रोधी सं०-3
- सहायक प्रशिक्षण केन्द्र सीमा सुरक्षा बल, हमामा
- 57 बटालियन सीमा सुरक्षा बल,

6. फ्रंटियर मुख्यालय सीमा सुरक्षा बल, त्रिपुरा कच्छार एवं मिजोरम
7. 08 बटालियन सीमा सुरक्षा बल
8. 15 बटालियन सीमा सुरक्षा बल
9. 78 बटालियन सीमा सुरक्षा बल
10. 02 बटालियन सीमा सुरक्षा बल
11. 67 बटालियन सीमा सुरक्षा बल
12. 88 बटालियन सीमा सुरक्षा बल
13. 111 बटालियन सीमा सुरक्षा बल
14. 199 बटालियन सीमा सुरक्षा बल

[सं० 12017/1/2004-हिन्दी]

राजेन्द्र सिंह, निदेशक (राजभाषा)

**MINISTRY OF HOME AFFAIRS**

New Delhi, the 1st April, 2004

**S.O. 856.**—In pursuance of sub rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Ministry of Home Affairs where the percentage of Hindi knowing staff has gone above 80%:

**CENTRAL RESERVE POLICE FORCE**

1. Office of the Commandant-149 Battalion, Central Reserve Police Force.

**BORDER SECURITY FORCE**

1. 69 Bn., Border Security Force.
2. Sector HQ, BSF, CI Ops.-2
3. Sector HQ, BSF, CI Ops.-3
4. Subsidiary Training Center, BSF, Humama
5. 57 Bn., Border Security Force
6. Ftr. HQ, BSF (TC & M)
7. 08 Bn., Border Security Force
8. 15 Bn., Border Security Force
9. 78 Bn., Border Security Force
10. 02 Bn., Border Security Force
11. 67 Bn., Border Security Force
12. 88 Bn., Border Security Force

13. 111 Bn., Border Security Force

14. 199 Bn., Border Security Force

[No. 12017/1/2004-Hindi]

RAJENDRA SINGH, Director (OL)

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 9 मार्च, 2004

(आयकर)

**का. आ. 857.**—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा "श्री जगद्गुरु मुरुघराजेन्द्र बृहन्मठ, चित्र दुर्ग, कर्नाटक" को कर-निर्धारण वर्ष 1998-1999 से 2000-2001 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों के की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाता हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 75/2004/फा. सं. 197/18/2004-आईटीए-1]

आई.पी.एस. बिन्दा, अवर सचिव



## MINISTRY OF FINANCE

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 9th March, 2004

## (INCOME TAX)

**S.O. 857.**—In exercise of powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Sri Jagadguru Murugharajendra Bruhanmurt, Chitradurga, Karnataka" for the purpose of the said sub-clause for the assessment years 1998-1999 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of Jewellery, furniture etc.) for any period during the previous relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives

[Notification No. 75/2004/F.No. 197/18/2004-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 10 मार्च, 2004

( आयकर )

**का. आ. 858.**—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा "सादर अन्जुमन अहमदिया कादियान, गुरदासपुर (पंजाब)" को वर्ष 2003-2004 से 2005-

2006 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों के प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 81/2004/फा. सं. 197/8/2004-आईटीए-1]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 10th March, 2004

## (INCOME TAX)

**S.O. 858.**—In exercise of powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Sadr Anjuman Ahmadiyya Qudian, Gurdaspur (Punjab)" for the purpose of the said sub-clause for the assessment years 2003-04 to 2005-06 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of Jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms

or modes specified in Sub-section (5) of Section 11:

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objective of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 81/2004/F.No. 197/8/2004-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 10 मार्च, 2004

( आयकर )

का. आ. 859.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा "श्री साचीय माता ट्रस्ट, ओसियन, राजस्थान" को वर्ष 1992-1993 से 1994-1995 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों के की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 77/2004/फा. सं. 197/196/2003-आईटीए-1]

आई०पी०एस० बिन्द्रा, अवर सचिव

New Delhi, the 10th March, 2004

(INCOME TAX)

S.O. 859.—In exercise of powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Shri Sachiya Mata Trust, Osian, Rajasthan" for the purpose of the said sub-clause for the assessment years 1992-93 to 1994-1995 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of Jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objective of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives

[Notification No. 77/2004/F.No. 197/196/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 10 मार्च, 2004

( आयकर )

का. आ. 860.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा "श्री साचीय माता ट्रस्ट, ओसियन, राजस्थान" को वर्ष 1995-1996 से 1997-1998 तक

के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :-

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संघ में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[ अधिसूचना सं. 78/2004/फा. सं. 197/196/2003-आईटीए-1 ]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 10th March, 2004

### (INCOME TAX)

**S.O. 860.**—In exercise of powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Shri Sachiya Mata Trust, Osian, Rajasthan" for the purpose of the said sub-clause for the assessment years 1995-1996 to 1997-1998 subject to the following conditions, namely :-

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms

or modes specified in Sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 78/2004/F.No. 197/196/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 10 मार्च, 2004

( आयकर )

**का. आ. 861.**—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा "श्री साचीया माता ट्रस्ट, ओसियन, राजस्थान" को वर्ष 1998-1999 से 2000-2001 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :-

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 79/2004/फा. सं. 197/196/2003-आईटीए-1]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 10th March, 2004

**(INCOME TAX)**

S.O. 861.—In exercise of powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the central Government hereby notifies the "Shri Sachiya Mata Trust, Osian, Rajasthan" for the purpose of the said sub-clause for the assessment years 1998-1999 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objective of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives

[Notification No. 79/2004/F.No. 197/196/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 10 मार्च, 2004

**( आयकर )**

का. आ. 862.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा "श्री सचिया माता ट्रस्ट, ओसियन, राजस्थान" को वर्ष 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 80/2004/फा. सं. 197/196/2003-आईटीए-1]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 10th March, 2004

**(INCOME TAX)**

S.O. 862.—In exercise of powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Shri Sachiya Mata Trust, Osian, Rajasthan" for the purpose of the said sub-clause for the assessment year 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business,

unless the business is incidental to the attainment of the objective of the assessee and separate books of accounts are maintained in respect of such business;

- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives

[Notification No. 80/2004/F.No. 197/196/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 11 मार्च, 2004

( आयकर )

का. आ. 863.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा "श्री पद्मनाभस्वामी टेंपल ट्रस्ट, त्रिवेन्द्रम" को वर्ष 1996-1997 से 1998-1999 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीके से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि को किसी अन्य वस्तु के रूप में प्राप्त तथा अनुरक्षित स्थायिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों के की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संघ में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 91/2004/फा. सं. 197/11/2003-आईटीए-1]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 11th March, 2004

(INCOME TAX)

S.O. 863.—In exercise of powers conferred by the Sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Sree Padmanabhaswamy Temple trust, Trivandrum" for the purpose of the said sub-clause for the assessment years 1996-1997 to 1998-1999 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of Jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives

[Notification No. 91/2004/F.No. 197/11/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 12 मार्च, 2004

( आयकर )

का. आ. 864.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा "विलियम केरे स्टडी एण्ड रिसर्च सेंटर, कोलकाता" को वर्ष 2002-2003 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन

तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 99/2004/फा. सं. 197/197/2003-आयकर नि. - 1]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 12th March, 2004

### (INCOME TAX)

**S.O. 864.**—In exercise of powers conferred by the Sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "William Carey Study and Research Centre, Kolkata" for the purpose of the said sub-clause for the assessment years 2002-2003 to 2003-2004 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of Jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;

(iii) **this notification** will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objective of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives

[Notification No. 99/2004/F.No. 197/197/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 31 मार्च, 2004

**का. आ. 865.**—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 के खंड (ख) और धारा 20 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, श्री अशोक के. किनी, उप प्रबंध निदेशक, भारतीय स्टेट बैंक को दिनांक 1-4-2004 को या उसके बाद उनके द्वारा कार्यभार ग्रहण करने की तारीख से 31-12-2005 की अवधि के लिए, अर्थात् उनकी अधिवर्षिता की तारीख या अगले आदेशों तक, इनमें से जो भी पहले हो, 24050-650-26000/-रुपए तक के वेतनमान में भारतीय स्टेट बैंक के प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा० सं० 8/5/2003-बी ओ-1]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 31st March, 2004

**S.O. 865.**—In exercise of the powers conferred by clause (b) of Section 19 and Sub-section (1) of Section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Ashok K. Kini, Deputy Managing Director, State Bank of India as Managing Director, State Bank of India in the pay scale of Rs. 24050-650-26000/- with effect from the date of his taking charge on or after 1-4-2004 and upto 31-12-2005 i.e. the date of his superannuation or until further orders, whichever is earlier.

[F. No. 8/5/2003-B.O.-I]

RAMESH CHAND, Under Secy.

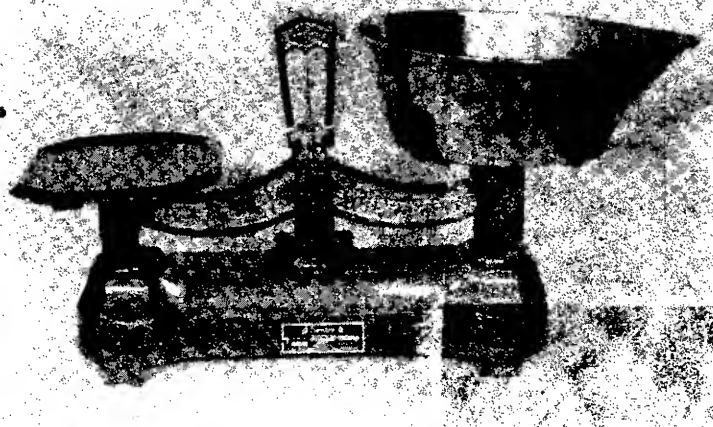
**उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय****( उपभोक्ता मामले विभाग )**

नई दिल्ली, 10 मार्च, 2004

**का०आ० 866.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल ( नीचे दी गई आकृति देखें ) बाट और माप मानक अधिनियम, 1976 ( 1976 का 60 ) तथा बाट और माप मानक ( मॉडलों का अनुमोदन ) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा ( 7 ) और उपधारा ( 8 ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स राज इंजिनियरिंग इण्डस्ट्रीयल, बी-17/डी/बी, स्ट्रीट सं० 9, आनन्द पर्वत इण्डस्ट्रीयल एरिया, नई दिल्ली-110005 द्वारा विनिर्मित काउण्टर मशीन के मॉडल का, जिसके ब्रांड का नाम " एवरेस्ट " है ( जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है ) और जिसे अनुमोदन चिन्ह आई एच डी/09/2003/471 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल ( आकृति देखें ) एक मैकेनिकल काउण्टर मशीन की अधिकतम क्षमता 10 कि.ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा ( 12 ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन, यंत्रणा, कच्चे माल के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के मैकेनिकल काउण्टर मशीन भी शामिल होंगी जिनके लिए 500 ग्राम से 50 कि. ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[ फा. सं० डब्ल्यू एम 21 ( 26 ) / 2003 ]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



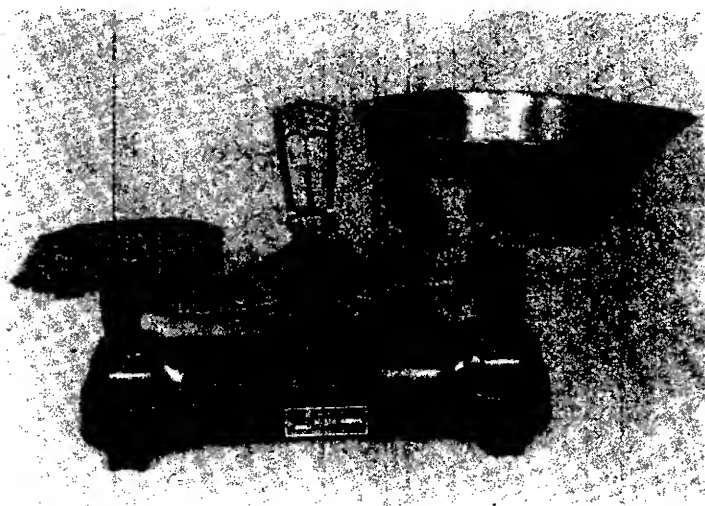
**MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION****(Department of Consumer Affairs)**

New Delhi, the 10th March, 2004

S.O. 866.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of a counter machine with brand name "EVEREST" (herein referred to as the Model), manufactured by M/s. Raj Engineering Industries, B-17/D/B, Street No. 9, Anand Parbat Industrial Area, New Delhi-110005 and which is assigned the approval mark IND/09/2003/471:

The said Model (figure given below) is a counter machine. Its maximum capacity is 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g. to 50kg., manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(26)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology



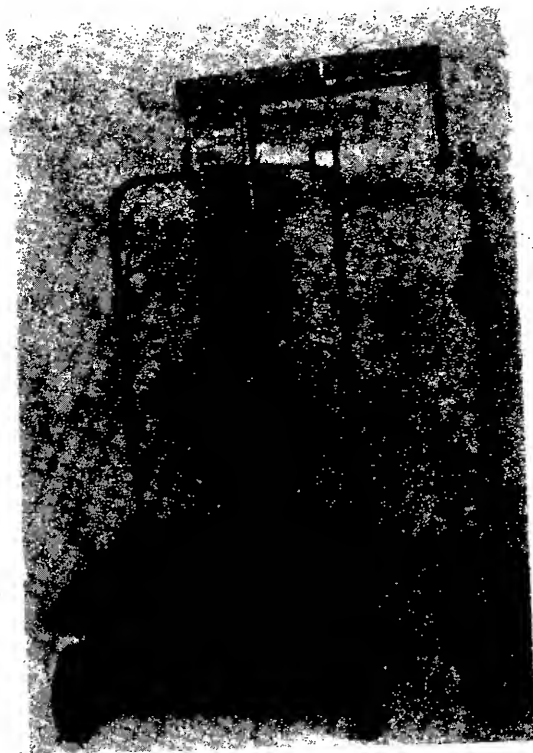
नई दिल्ली, 10 मार्च, 2004

का०आ० 867.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स राज इंजीनियरिंग इण्डस्ट्रीज, बी-17/डी/बी, स्ट्रीट सं० 9, आनन्द पर्वत इण्डस्ट्रीयल एरिया, नई दिल्ली-110005 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "पी एल आई" श्रृंखला के सदृश सूचक सहित अस्वचालित (प्लेटफार्म मशीन-प्रो वेट टाइप) के तोलन उपकरण का, जिसके ब्रांड का नाम "एबरेस्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/472 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल यांत्रिक विषमभुज प्रकार का लीवर आधारित तोलन उपकरण (प्लेटफार्म मशीन प्रो वेट टाइप की) है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल 100 ग्रा. है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त, कपटपूर्ण व्यवहार से मशीन को खोलने से रोकने के लिए मुहरबन्द भी किया जाता है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन, के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है विनिर्मित श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि. ग्रा. और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[ फा. सं० डब्ल्यू एम 21 (26)/2003 ]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

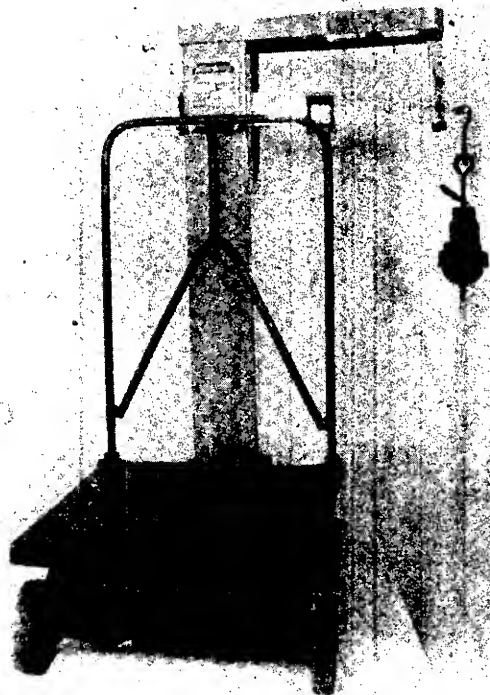
New Delhi, the 10th March, 2004

S.O. 867.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Platform machine-Pro Weight type) weighing instrument with analogue indication of "PL1" series of medium accuracy (accuracy class-III) and with brand name "EVEREST" (herein referred to as the Model), manufactured by M/s. Raj Engineering Industries, B-17/D/B, Street No. 9, Anand Parbat Industrial Area, New Delhi-110005, and which is assigned the approval mark IND/09/2003/472;

The said Model is a machinecal steelyard type liver based non-automatic weighing instrument (Platform machine-Pro Weight type) with a maximum capacity of 300 kg and minimum capacity of 2kg. The verification scale interval (e) is 100g.

In addition to sealing the stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50g. and up to 1000kg with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2021510^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(26)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 मार्च, 2004

**का०आ० 868.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स काल-ऑन इंस्ट्रूमेंट प्रा. लि. सं. 16-51/1, प्रशान्त नगर, सर्वे आफ इंडिया के सामने, उप्पल रोड, हैदराबाद-39 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-3) वाले "डब्ल्यू बी" श्रृंखला के अस्वचालित तोलन उपकरण (तुला चौकी बहु-भार सेल प्रकार) के माडल का, जिसके ब्रांड का नाम "काल ऑन" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2003/183 समनुदेशित किया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है।

उक्त माडल मध्यम यथार्थता (यथार्थता वर्ग-3) का एक विकृत मापी भार सेल आधारित भार सेल के सिद्धान्त पर कार्य करने वाला (तुला चौकी बहु-भार सेल प्रकार) अस्वचालित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि. ग्रा. है। संप्रदर्श युनिट प्रकाश उत्सर्जक डायोड (एल ई डी) प्रकार का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, कपटपूर्ण व्यवहार के लिए, मशीन को खेलने से रोकने के लिए भी सील बन्दी की जाती है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के इस अनुमोदन प्रमाण पत्र के अंतर्गत उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन से अधिक और 50 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन अन्तराल (एन) की संख्या 5 ग्रा. या अधिक के "ई" मान के लिए 500 से 10000 की रेंज में है तथा जिनका "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  हैं, जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[ फा. सं० डब्ल्यू एम 21 (103)/2002 ]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

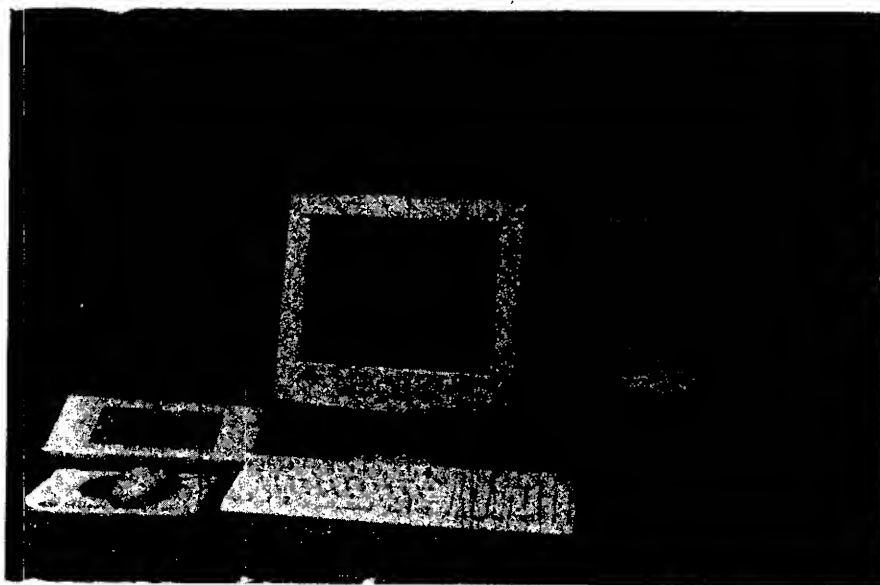
New Delhi, the 12th March, 2004

S.O. 868.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Sub-sections (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of non-automatic weighing instrument (Weighbridge-multi load cell type) with "WB" series belonging to medium accuracy (accuracy class-III) and with brand name "CAL-ON" (herein referred to as the said Model), manufactured by M/s. Cal-On Instruments, 16-51, Prasant Nagar, Opposite Survey of India, Uppal Hyderabad-500039 and which is assigned the approval mark IND/09/2003/183:

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge-multi load cell type) working on the principle of load cell with digital indication of maximum capacity 30 tonne, minimum capacity 100kg and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval 'e' is 5kg. The display unit is of light emitting Diode (LED) type. The instruments operates on 230V, 50Hz alternative power supply.

In addition to sealing the stamping plate, sealing is done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 50 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

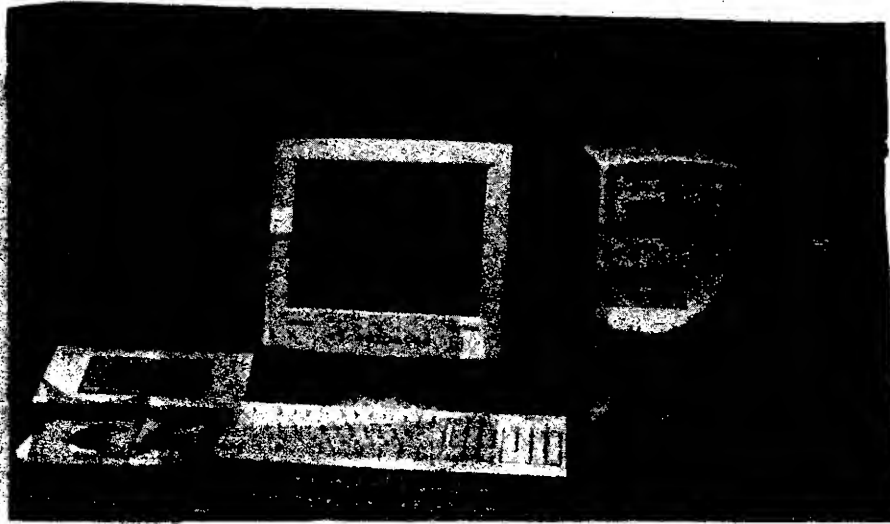
[F. No. WM-21(103)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 मार्च, 2004

क्र. आ. 869.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स काल-ऑन इंस्ट्रुमेंट प्रा. लि. से 16-51/1, प्रशान्त नगर, सर्वे आफ इंडिया के सामने, उममल रोड, हैदराबाद-39 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "पी सी" श्रृंखला के अस्वचालित, तोलन उपकरण (प्लेटफार्म के लिए संपरिवर्तन किट) के मॉडल का, जिसके ब्रांड का नाम "काल ऑन" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन बिस्व आई एन डी/09/2003/184 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



उक्त मॉडल एक विकृत मापी भार सेल आधारित भार सेल के सिद्धान्त मध्यम यथार्थता (यथार्थता वर्ग 3) पर कार्य करने वाला अस्वचालित प्रकार का तोलन उपकरण (प्लेटफार्म के लिए संपरिवर्तन किट प्रकार) है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। स्तम्भपन मापमान अंतराल (ई) का मान 100 ग्रा. है। संप्रदर्श यूनिट प्रकाश उत्सर्जक डायोड (एल ई डी) प्रकार का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा बिद्युत प्रदान पर कार्य करता है।

स्टैमिंग प्लेट को सीलबन्द करने के अतिरिक्त, कपटपूर्ण व्यवहार के लिए, मशीन को खोलने से रोकने के लिए भी सीलबन्दी की जाती है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के इसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. और 5000 कि.ग्रा. के बीच के रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया गया है जिन्हें अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके स्तम्भपन अन्तराल (एन) की संख्या 5 ग्रा. या अधिक के "ई" मान के लिए 500 से 10000 की रेंज में है तथा जिनका "ई" मान  $1 \times 10^{-3}$ ,  $2 \times 10^{-3}$  या  $5 \times 10^{-3}$  के हैं जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

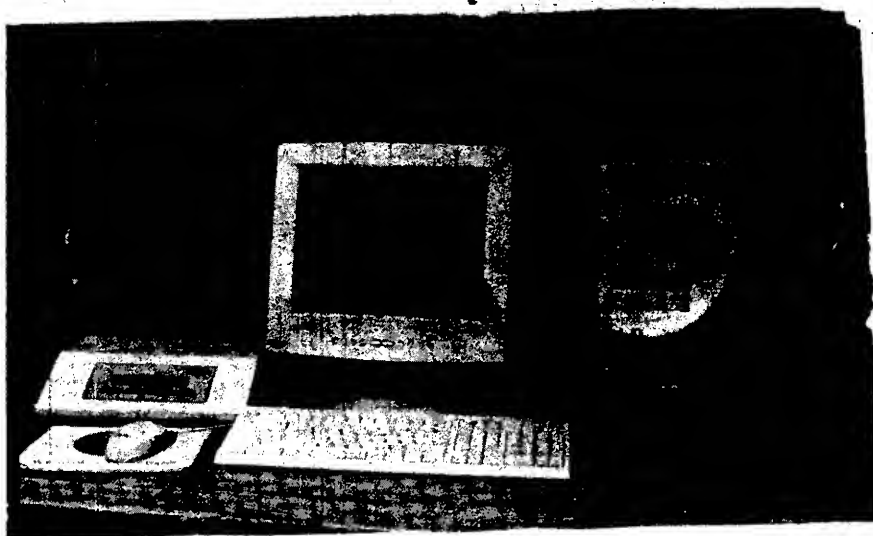
[फ़.सं. डब्ल्यू एम-21(103)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th March, 2004

S.O. 869.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of non-automatic weighing instrument (Conversion kit for Platform) with "PC" series belonging to Medium accuracy (accuracy class-III) and with brand name "CAL-ON" (herein referred to as the said Model), manufactured by M/s Cal-On Instruments, 16-51, Prasant Nagar, Opposite Survey of India, Uppal Hyderabad-500 039 and which is assigned the approval mark IND/09/2003/184.



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Conversion kit for Platform) working on the principle of load cell with digital indication of maximum capacity 300kg, minimum capacity 2kg and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval 'e' is 100g. The display unit is of light emitting Diode (LED) type. The instrument operates on 230V, 50Hz alternative power supply.

In addition to sealing the stamping plate, sealing is done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^4$ ,  $2 \times 10^4$  or  $5 \times 10^4$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(103)/2002]

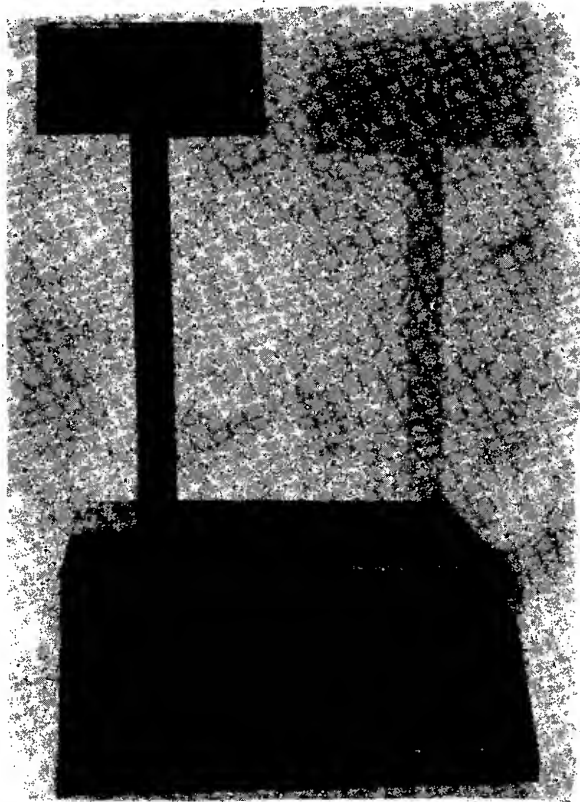
P. A. KRISHNAMOORTHY, Director of Legal Metrology.

नई दिल्ली, 12 मार्च, 2004

का. आ. 870.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेट्रानिक्स कन्ट्रोल्स, 16, हिन्दुस्तान कोहिनूर इंडस्ट्रियल काम्पलेक्स, एल बी एए मार्ग, पिछरौली (पश्चिमी) मुंबई-400083 (महाराष्ट्र) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "डब्ल्यू टी सी" शृंखला के अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के माडल का, जिसके ब्रांड का नाम "वेट्रानिक्स" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/317 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृतमापी प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 20 कि. ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल(ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन शुद्धता के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित माडल का विनिर्माण किया गया है। उसी शृंखला के वैसे ही मैक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10000 तक के रेंज में सत्यापन मापमान अंतराल (एन) की संख्या 5 ग्रा. या इससे अधिक के "ई" मान के लिए 500 से 10000 तक की रेंज में सत्यापन मापमान अंतराल (एन) की संख्या सहित 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  या  $5 \times 10^{-6}$  के, हैं जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[ फा. सं. डब्ल्यू एम-21(304)/2001 ]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 12th March, 2004

S.O. 870.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Model) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the self indicating, non-automatic (Table Top type) weighing instrument with digital indication of "WTC" series of medium accuracy (accuracy class III) and with brand name "WEIGHTRONIX" (herein referred to as the Model), manufactures by M/s Weightronix Controls, 16, Hindustan Kohinoor Industrial Complex, L.B.S. Marg, Vikhroli (W), Mumbai-400083, Maharashtra, and which is assigned the approval mark IND/09/2003/317.

The said Model (see the figure given) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 20 kg and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instruments operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(304)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology.



नई दिल्ली, 12 मार्च, 2004

का. आ. 871.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेट्रानिक्स कंट्रोल, 16, हिन्दुस्तान कोहिमूर इंडस्ट्रियल कॉम्प्लेक्स, एल बी एस मार्ग, विखरोली (डब्ल्यू) मुंबई-400083 महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "डब्ल्यू टी सी" शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "वेट्रानिक्स" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/318 सम्पुनः देखा गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (दी गई आकृति देखें) विकृत मापी टाइप भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 3000 कि. ग्रा. और न्यूनतम क्षमता 20 कि. ग्रा. है। स्थापन मापमान अन्तराल (ई) का मान 1 किलो ग्रा. है। भार ग्राही टैंक/हापर/सिलों के रूप में है इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, कपटपूर्ण व्यक्तियों के लिए मशीन को खोलने से रोकने के लिए भी सीलबन्दी की जाती है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उस से अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में स्थापन मान अन्तराल (एन) की संख्या सहित 50 कि. ग्रा. से अधिक या 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  या  $5 \times 10^{-6}$  के हैं जिसमें 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.स. डब्ल्यू एम-21(304)/2001]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th March, 2004

S.O. 871.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "WTG" series of medium accuracy (accuracy class-III) and with brand name "WEIGHTRONIX" (herein referred to as the Model), manufactured by M/s Weightronix Controls, 16, Hindustan Kohinoor Industrial Complex, L.B.S. Marg, Vikhroli (W), Mumbai-400083, Maharashtra and which is assigned the approval mark IND/09/2003/318.

The said Model (see the figure given) is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 3000 kg and minimum capacity of 20kg. The verification scale interval (e) is 1 kg. The load receptor is in the form of tank/hopper/Silo. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and upto 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , 'k' being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(304)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology.

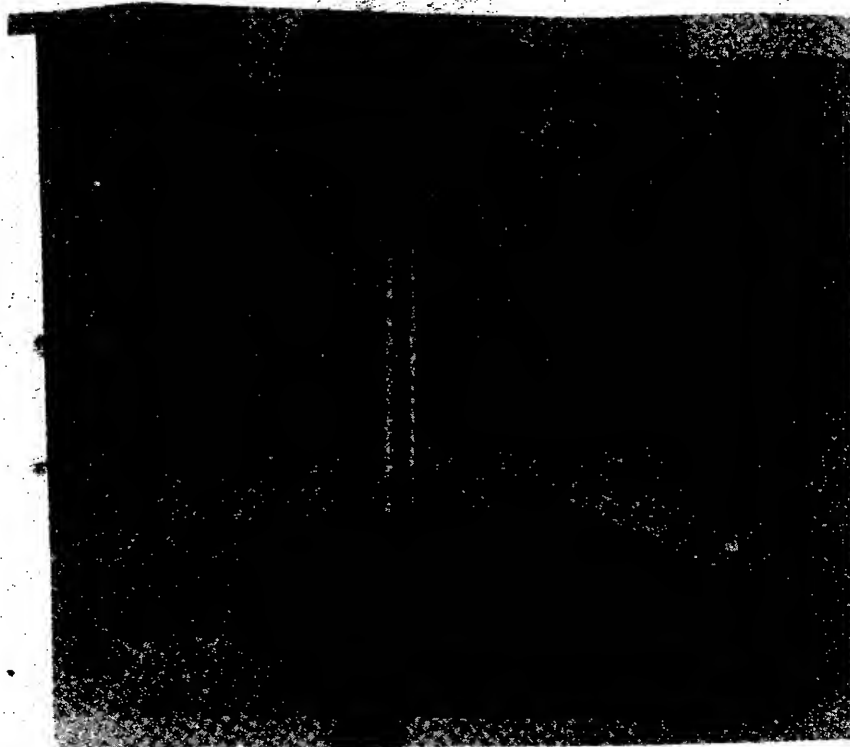
नई दिल्ली, 12 मार्च, 2004

का. आ. 872.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेट्रानिक्स कन्ट्रोल्स, 16, हिन्दुस्तान कोहिनूर इंडस्ट्रियल काम्प्लेक्स, एल बी एस मार्ग, विखरोली (डब्ल्यू) मुम्बई-400083 महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "डब्ल्यू टी सी" शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "वेट्रानिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिट्ठा आई एन डी/09/2003/319 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (दी गई आकृति देखें) विकृत मापी टाइप भारसेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबन्दी की जाती है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उस से अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) की संख्या सहित 50 कि. ग्रा. से अधिक या 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^{-5}$ ,  $2 \times 10^{-5}$  या  $5 \times 10^{-5}$  हैं, 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[ फा.सं. डब्ल्यू एम-21(304)/2001 ]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

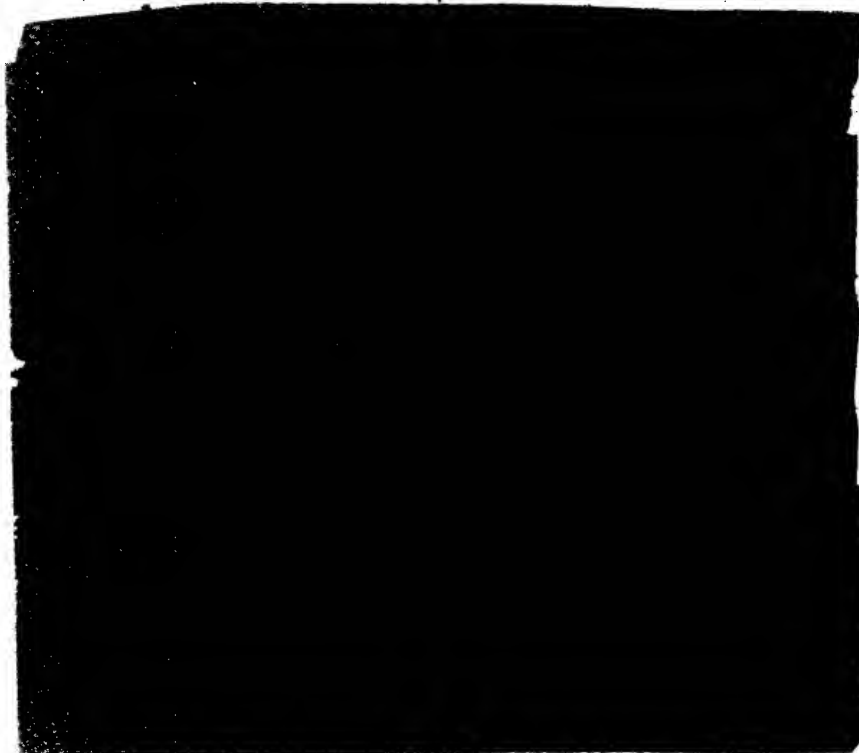
New Delhi, the 12th March, 2004

S.O. 872.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the self-indicating, non-automatic (Platform type) weighing instrument with digital indication of "WTC" series of medium accuracy (accuracy class-III) and with brand name "WEIGHTRONIX" (herein after referred to as the Model), manufactured by M/s. Weightronix Controls, 16, Hindustan Kohinoor Industrial Complex, L.B.S. Marg, Vikhroli (W), Mumbai-400083, Maharashtra and which is assigned the approval mark IND/09/2003/319.

The said Model (see the figure given) is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 100 kg and minimum capacity of 200g. The verification scale interval (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and upto 300kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(304)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 मार्च, 2004

का. आ. 873.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा और मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एमके वेइंग सिस्टम्स, जी टी रोड, बटाला, जिला गुरदासपुर, पंजाब-143595 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "पी एफ एस-297" शृंखला के अनुरूप उपदर्शन सहित अस्वचालित, (प्लेटफार्म मशीन प्रोवेट) उपकरण जिसके ब्रांड का नाम "यूनिक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह्न आई एन डी/09/2003/482 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक यांत्रिक विषमभुज तुला प्रकार के लीवर पर आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन प्रोवेट प्रकार) है। इसकी अधिकतम क्षमता 300 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अनंतराल(ई) का मान 100 ग्रा. है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 10000 तक के रेंज में सत्यापन मान अनंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान:  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , हैं 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

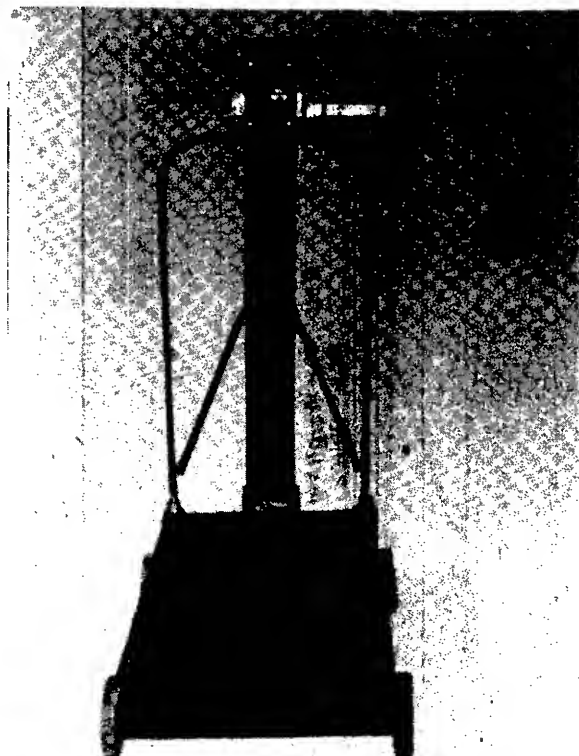
[फा.सं. डब्ल्यू एम-21(45)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th March, 2004

S.O. 873.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Platform Machine Pro-weight type) weighing instrument with analogue indication of "PFS-297" series of medium accuracy (accuracy class-III) and with brand name "Unique" (hereinafter referred to as the Model), manufactured by M/s Emmkay Weighing Systems, C.T. Road, Batala, District-Gurdaspur, Punjab-143595 and which is assigned the approval mark IND/09/2003/482.



The said Model is a mechanical steelyard type lever based non-automatic weighing instrument (Platform Machine Pro-weight type) with a maximum capacity of 300 kg and minimum capacity of 2kg. The verification scale interval (e) is 100g.

In addition to sealing the stamping plate, sealing is also done to stop the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of the said Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and upto 1000kg with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved model has been manufactured.

[F. No. WM-21(45)/2003]

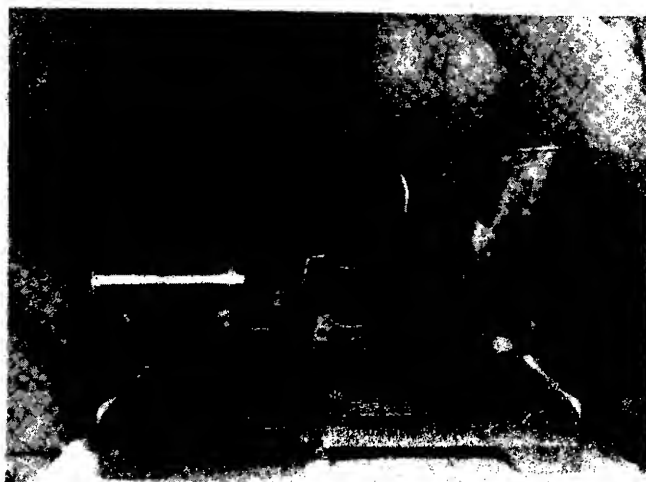
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 मार्च, 2004

का. आ. 874.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिलवर मैट्रिक स्केल, शिवाजी नगर, सावरकुण्डला-364515 (गुजरात) मैकेनिकल काउन्टर मशीन के मॉडल का, जिसके ब्रांड का नाम "सिलवर मैट्रिक स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/75 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) एक मैकेनिकल काउन्टर मशीन है जिसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, इसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि. ग्रा. तक की अधिकतम क्षमता वाली रेंज में होंगे।

[ फा.सं. डब्ल्यू एम-21(17)/2002 ]

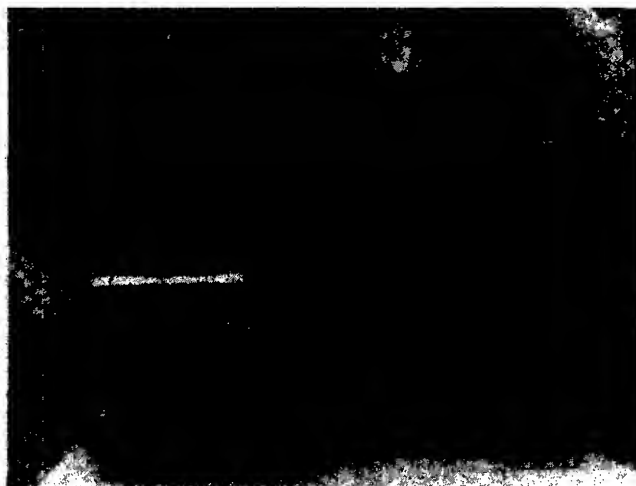
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th March, 2004

S.O. 874.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Model) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of mechanical counter machine, (herein-referred to as the Model) with brand name "Silver Metric Scale", manufactured by M/s. Silver Metric Scale, Shivaji Nagar, Savarkundla-364515 (Gujarat) and which is assigned the approval Mark IND/09/2003/75.

The said Model (see the figure) is a mechanical counter machine of maximum capacity 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the model shall also cover the mechanical counter machines of similar make, accuracy and performance with range of 500g to 50kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(17)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology



नई दिल्ली, 15 मार्च, 2004

का.आ. 875.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एटलस स्केल, सामने खुंगी ताका सावरकुण्डला-5364515 (गुजरात), काउन्टर मशीन के माडल का, जिसके ब्रांड का नाम "एटलस स्केल" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/31 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) एक काउन्टर मशीन है जिसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा की 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है उसी शृंखला के वैसे ही मॉक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि. ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[ फा.सं. डब्ल्यू एम-21(247)/2002 ]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th March, 2004

**S.O. 875.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of counter machine with brand name Atlas Scale (hereinafter referred to as the Model) manufactured by M/s. Atlas Scale, opp. Octroi Naka, Savarkundla-364515 (Gujarat) and which is assigned the approval Mark IND/09/03/31;

The said Model (see the figure given below) is a counter Machine. The maximum capacity is 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity ranging from 500g to 50kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

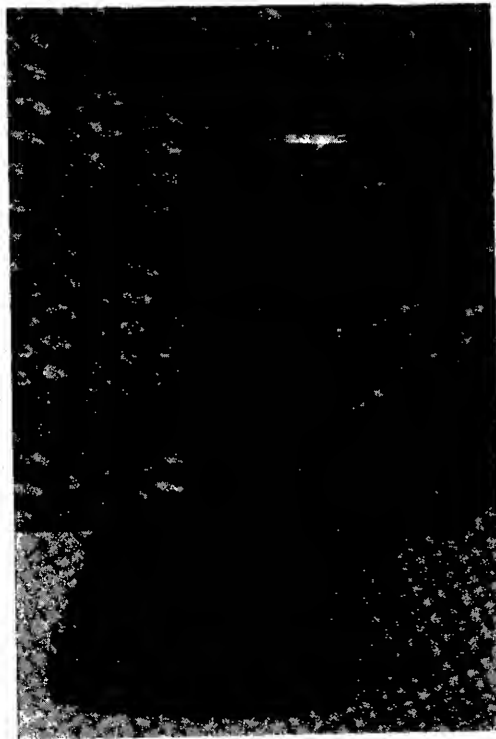
[F. No. WM-21(247)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology.

नई दिल्ली, 15 मार्च, 2004

का. आ. 876.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हरियाणा स्केल वर्क्स, बी-1757/3, शास्त्री नगर, दिल्ली-52 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-3) वाले "एच एस डब्ल्यू" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म मशीन-प्रोवेट प्रकार) के माडल का, जिसके ब्रांड का नाम "सोनी" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/486 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल यांत्रिक विषमभुज तुला प्रकार का लीवर आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन-प्रोवेट प्रकार) का है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और 2 कि. ग्रा. न्यूनतम क्षमता वाला है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है।

स्टाम्पिंग प्लेट को मुद्रांकन करने के अतिरिक्त, कपटपूर्ण व्यवहार से मशीन को खोलने से रोकने के लिए भी मुद्रांकन किया जाता है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री जिससे अनुमोदित माडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक की रेंज में, सत्यापन मान अंतराल (एन) 50 कि. ग्रा. से अधिक और 1000 कि. ग्रा. तक हैं और "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  या  $5 \times 10^{-6}$  के, हैं जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

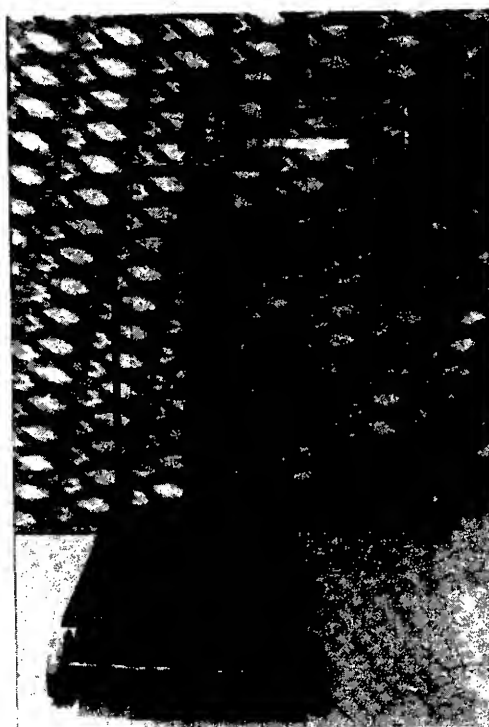
[फा.सं. डब्ल्यू एम-21(28)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th March, 2004

S.O. 876.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Platform machine-Pro Weight type) weighing instrument with analogue indication of "HSW" series of medium accuracy (accuracy class-III) and with brand name "SONY" (herein referred to as the said Model), manufactured by M/s Haryana Scale Works, B-1757/3, Shastri Nagar, Delhi-52 and which is assigned the approval mark IND/09/2003/486.



The said Model is a mechanical steelyard type lever based non-automatic weighing instrument (Platform machine-Pro Weight type) with a maximum capacity of 300kg, and minimum capacity of 2kg. The verification scale interval (e) is 100g.

In addition to sealing the stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 10,00kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(28)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology.

नई दिल्ली, 15 मार्च, 2004

क्रा. आ. 877.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (भीचे दी गई आकृति देखें) बाट और साप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और साप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हरियाणा स्केल वर्क्स, बी-1757/3, शास्त्री नगर, दिल्ली-52 द्वारा विनिर्मित "एच एस डब्ल्यू" शृंखला के काउन्टर मशीन के मॉडल का, जिसके ब्रांड का नाम "सोनी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विन आई एन.डी/09/2003/487 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) एक काउन्टर मशीन है जिसकी अधिकतम क्षमता 10 कि.ग्रा. है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्राम से 50 कि. ग्रा. तक की अधिकतम क्षमता वाली रेंज में हैं।

[फा.सं. डब्ल्यू एम-21(28)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th March, 2004

S.O. 877.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of a counter machine of 'HSW' series and with brand name "SONY" (herein referred to as the said Model), manufactured by M/s. Haryana Scale Works, B-1757/3, Shastri Nagar, Delhi-52 and which is assigned the approval mark IND/09/2003/487

The said model (see the figure given below) is a counter machine. Its maximum capacity is 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved Model has been manufactured.

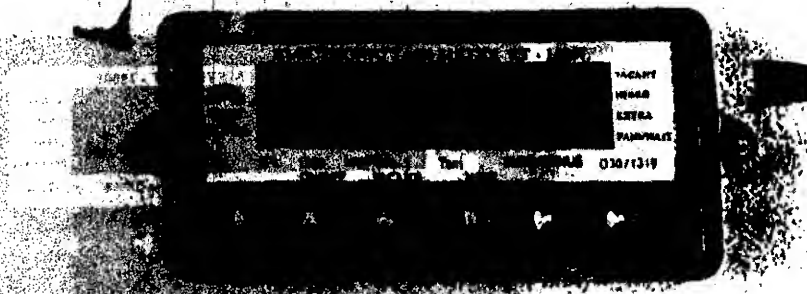
[F. No. WM-21(28)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology.

नई दिल्ली, 31 मार्च, 2004

का. आ. 878.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जेनस ओवरसीज इलेक्ट्रॉनिक्स लि. स्पेस-3 रिको इन्डस्ट्रियल एरिया, सीतापुरा टैंक रोड, जयपुर, राजस्थान 302002 अंकक सूचन वाला टैक्सी मीटर के मॉडल का, जिसके ब्रांड का नाम "ई टी 1500 एल" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/148 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



यह मॉडल एक टैक्सी मीटर है जिसमें दूरी और समय मापक युक्ति और अंकक सूचन समाविष्ट है। यह निरंतर योग करता है तथा यात्रा के किसी क्षण में यात्री द्वारा सदेय प्रभार उपदिशित करता है। तय की गई दूरी और तय समय की कोसेप गति से नीचे के अनुसार "सदेय किराया" मीटर कार्य है। मीटर का पठन सात खंडीय निर्वात फ्लोरोसंट प्रदर्शक द्वारा उपदिशित की जाती है। मुद्रांकन प्लेट को मुद्रांकित करने के अतिरिक्त प्लेन जनरेटर, कैबल संयोजन, बिन्दुओं तथा कपटपूर्ण व्यवहारों के लिए उनकी छेड़छाड़ को रोकने के लिए मुख्य किराया मीटर पर मुद्रांकन किया जाएगा। यह मीटर का कारक 1274 स्पंद प्रति किलोमीटर है।

[फा.स. डब्ल्यू एम-21(55)/2002]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st March, 2004

**S.O. 878.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of a Taxi Meter with digital indication with brand name "ET-1500L" (herein referred to as the said Model), manufactured by M/s Genus Overseas Electronics Ltd., Spl-3, RICO Industrial Area, Sita Pura Tank Road, Jaipur, Rajasthan-302002 and which is assigned the approval mark IND/09/2002/148:



The said model is a "Taxi Meter" with digital indication incorporated with a distance and time measuring device. It totalizes continuously and indicates at any moment of the journey, the charges payable by the passenger. The "fare to pay" is a function of the meter in terms of the distance travelled and below a certain speed of the length of the time occupied. The reading of the meter is indicated by seven segment Vacuum Florescent Display (VFD). In addition to sealing the stamping plate, the pulse generator, cable connectors and the main machine are to be sealed so as to prevent their opening for fraudulent practices. The 'k' factor of the meter is 1274 pulses/km.

[F. No. WM-21(55)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology.



## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 1 अप्रैल, 2004

का.आ. 879.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में पानेवाडी (मर्ममाड) संस्थापन से मध्यप्रदेश राज्य में मांगल्या (इंदौर) तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कॉरपोरेशन लिमिटेड द्वारा, एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह प्रतीत होता है कि उस भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री वी. पी. पाठक, सक्षम प्राधिकारी, मुबई-मनमाड पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कॉरपोरेशन लिमिटेड, सी/19-ए, स्कीम नं. 78, स्लाइस नं. 5, ए. बी. रोड, इन्दौर-452010 (मध्य प्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

तहसील : इन्दौर

जिला : इन्दौर

राज्य : मध्यप्रदेश

गाँव का नाम	सर्वे नंबर	क्षेत्रफल (हेक्टेयर में)
1	2	3
1. कलारिया	90/1	0.0440
	341	0.0340
2. धरनाबद	214	0.0720
	198	0.0274
3. साबलिया खेड़ी	150/2	0.0770
	151	0.830
	118/1	0.0330
	128/2	0.0520
	117/1/1	0.0145
4. पिपलिया तफा	104	0.0200
5. रिंजलाई जागीर	29	0.0040
	34/4	0.0530
	205/1	0.0160
	101	0.0810
	21	0.0410
	25	0.0050
	26	0.0320
6. जम्बूडी हप्पी	586	0.0100
	583	0.0120
	553/2	0.0160
	161	0.0200
	160/1	0.0050
	153/1/1	0.0990
	169/2/2/1	0.1620
	169/1/2	0.1980
7. बुदानिया	409/1	0.2210
	396/1	0.0570
	346/1	0.0040
	347/1	0.0610
	348	0.0170
	340/1	0.0260
	340/5	0.0030

1	2	3
8. पालाखेडी	90/1/3	0.0980
	87/1/1	0.0670
	87/1/2/1	0.1970
	87/1/2/2	0.0920
	21/5	0.0300
	21/4	0.0410
	22/5	0.0230
	60/1/1	0.0190
	23	0.0660
	34/1/1/2	0.0160
	184/2/2	0.0110
	183	0.0360
	87/1/3/1	0.0540
9. लिम्बोदागारी	456/1/2	0.1270
	453	0.0360
	452/2	0.0230
	468/1	0.1498
	402	0.0430
	393	0.0160
	394	0.0080
	388	0.0030
	382/2	0.0460

[फा.सं.आर-31015/25/2001-ओ आर-II]

हरीश कुमार, अवर सचिव

**MINISTRY OF PETROLEUM AND NATURAL GAS**

New Delhi, the 1st April, 2004

S. O. 879.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from the Panewadi (Manmad) terminal in the State of Maharashtra, an extension pipeline to Manglya (Indore) in the State of Madhya Pradesh should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty-one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri V. P. Pathak, Competent Authority, Mumbai-Manmad Pipeline Extension Project, Bharat Petroleum Corporation Limited, C/19-A, Scheme No. 78, Slice No. 5, A.B. Road, Indore-452010 (Madhya Pradesh).

**SCHEDULE**

TEHSIL: INDORE	DISTRICT: INDORE	STATE: MADHYA PRADESH
Name of Village	Survey No.	Area in Hectare
1	2	3
I. Kalariya	90/1	0.0440
	341	0.0340

1	2	3
2. Dhamavad	214 198	0.0720 0.0274
3. Savlia Khedi	150/2 151 118/1 128/2 117/1/1	0.0770 0.0830 0.0330 0.0520 0.0145
4. Pipliya Tafa	104	0.0200
5. Rinjlai Jagir	29 34/4 205/1 101 21 25 26 586 583 553/2 161 160/1 153/1/1 169/2/2/1 169/1/2	0.0040 0.0530 0.0160 0.0810 0.0410 0.0050 0.0320 0.0100 0.0120 0.0160 0.0200 0.0050 0.0090 0.1620 0.1980
7. Budhaniya	409/1 396/1 346/1 347/1 348 340/1 340/5 90/1/3 87/1/1 87/1/2/1 87/1/2/2 21/5 21/4 22/5 60/1/1 23 34/1/1/2 184/2/2 183 87/1/3/1 456/1/2 453 452/2 468/1 402 393 394 388 382/2	0.2210 0.0570 0.0040 0.0610 0.0170 0.0260 0.0030 0.0980 0.0670 0.1970 0.0920 0.0300 0.0410 0.0230 0.0190 0.0660 0.0160 0.0110 0.0360 0.0540 0.1270 0.0360 0.0230 0.1498 0.0430 0.0160 0.0080 0.0030 0.0460
8. Palakhedi		
9. Limbodagari		

नई दिल्ली, 4 अप्रैल, 2004

का. आ. 876.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकाहित में यह आवश्यक है कि गुजरात राज्य में इन्डियन ऑयल कॉर्पोरेशन लिमिटेड, बडौदा की गुजरात रिफाईनरी से पेट्रोलियम उत्पादों के परिवहन के लिए, दुमाड टैंक फार्म तालुका जिला - बडौदा तक गुजरात रिफाईनरी इन्डियन ऑयल कॉर्पोरेशन लिमिटेड, बडौदा द्वारा पाइप लाइने बिछाई जानी चाहिए।

और ऐसी पाइप लाइन बिछाए जाने के प्रयोजन के लिए इस अधिसूचना के साथ उपाबन्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः अब केन्द्रीय सरकार पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग का अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इससे दिन के भीतर, भूमि के नीचे पाइप लाइन बिछाने के संबंध में या उनमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित में आक्षेप, श्री. वी. जे. राजपूत, डेप्युटी कलेक्टर व सक्षम प्राधिकारी, गुजरात रिफाईनरी इन्डियन ऑयल कॉर्पोरेशन लिमिटेड ३/१२२, गुजरात रिफाईनरी टाउनशिप, बाजवा गेट के पास, डाक घर जवाहरनगर, बडौदा-३९१ ३७०, गुजरात को कर सकता है।

## अनुसूची

तालुको : बडौदा

जिल्ला : बडौदा

राज्य : गुजरात

गाँव का नाम	सर्वेक्षण / खंड सं	क्षेत्र हेक्टर / आरे / चौ. मी.
सी	927	0.21.95
	926	0.01.16
	928	0.34.78
	352	0.39.74
	423	0.04.81
		0.07.08
		0.17.28

[फा. सं. आर-25011/6/2000-ओ.आर-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 4th April, 2004

S. O. 876.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Gujarat Refinery, Indian Oil Corporation Limited, Vadodara in the state of Gujarat to Dumas Tank Farm, Taluka Vadodara in the state of Gujarat, pipelines should be laid by the Gujarat Refinery, Indian Oil Corporation Limited, Vadodara;

And whereas, for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User on Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which, the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri V J Rajput, the Deputy Collector and Competent Authority, Gujarat Refinery, Indian Oil Corporation Limited., 3/122, Township, Gate No.3, P.O.Jawaharnagar, Vadodara-391370, Taluka & District: Vadodara, State : Gujarat.

### **SCHEDULE**

Taluka : Vadodara.

District : Vadodara

State : Gujarat

Sr. No.	Name of Village	Survey / Block No.	Part if Any	ROU Area		
				Ha.	Ar.	Sq. mt.
1	2	3	4	5		
1	RANOLI	927		0	21	95
		926		0	01	16
		928		0	34	78
		352		0	39	74
2	PADAMALA	423		0	04	81
		424		0	07	08
3	AAJOD	143		0	17	28

[No. R-25011/6/2000-O.R.-I]  
RENUKA KUMAR, Under Secy.

नई दिल्ली, 5 अप्रैल, 2004

का. आ. 877.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचनाओं संख्या का. आ. 918 तारीख 27 अप्रैल, 2000 और संख्या का. आ. 1623 तारीख 10 जुलाई, 2001 का आशोधन करते हुए और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2361 तारीख 11 सितम्बर, 2001 का आंशिक आशोधन करते हुए श्री प्रहलाद वी. कचारे को महाराष्ट्र और मध्य प्रदेश राज्यों के भीतर उक्त अधिनियम के अधीन मुंबई - मनमाड - मांगल्या पाइपलाइन के लिए सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है।

[फा. सं. आर-31015/18/1998-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 5th April, 2004

S. O. 877.—In modification of notifications of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 918 dated the 27<sup>th</sup> April, 2000 and S.O. 1623 dated the 10<sup>th</sup> July, 2001 and in partial modification of the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 2361 dated the 11<sup>th</sup> September, 2001, in pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby authorizes Shri Prahalad V. Kachare to perform the functions of competent authority for Mumbai-Manmad-Manglya Pipeline under the said Act, within the territory of States of Maharashtra and Madhya Pradesh.

[No. R-31015/18/1998-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 5 अप्रैल, 2004

का. आ. 878.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 3533, तारीख 7 नवम्बर, 2002 को अधिकांत करते हुए श्री पी. एन. मोहनचन्द्रन, उप कलक्टर, (आर. आर.), अलप्पुजहा, केरल सरकार को केरल राज्य के राज्य क्षेत्र के भीतर पेट्रोनेट सी. सी. के. लिमिटेड की कोचीन-कोयम्बतूर-करूर पाइपलाइन परियोजना की बाबत उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है।

[फा. सं. आर-31015/12/2003-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 5th April, 2004

S. O. 878.— In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) and in supersession of notification of Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3533, dated the 7<sup>th</sup> November 2002, the Central Government hereby authorizes Shri P.N.Mohanachandran, Deputy Collector (R.R.), Alappuzha, Government of Kerala to perform the functions of the competent authority, under the said Act within the territory of the State of Kerala, in respect of Cochin-Coimbatore-Karur Pipeline Project of Petronet CCK Limited.

[No. R-31015/12/2003-O.R.-II]  
HARISH KUMAR, Under Secy.

नई दिल्ली, 6 अप्रैल, 2004

का. आ. 879.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii) तारीख, 07 दिसम्बर 2002 के पृष्ठ 11481 से 11495 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस अधिनियम, संख्या का.आ. 3780 तारीख 05 दिसम्बर 2002, में निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना की अनुसूची में :-

- (क) पृष्ठ 11491 पर, स्तम्भ 1 में गांव "नांदिया कला" के सामने,  
(i) स्तम्भ 2 में, सर्वे संख्या "106" के स्थान पर सर्वे संख्या "106/1" पढ़ें
- (ख) पृष्ठ 11493 पर, स्तम्भ 1 में, गांव "जेतिद्यावास" के सामने,  
(ii) स्तम्भ 2 में, सर्वे संख्या "53" के सामने "3-16" क्षेत्र के स्थान पर "3-04" पढ़ें

[फा. सं. आर-31015/45/2001-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 6th April, 2004

S. O. 879.— In exercise of the powers conferred by sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 3780, dated the 5<sup>th</sup> December, 2002, published at pages 11495 to 11509, in Part II, section 3, sub-section (ii) of the Gazette of India, dated the 7<sup>th</sup> December, 2002, namely:-

## In the Schedule to the said notification,-

- (A) at page 11505, in column 1, against village "NANDIYA KALAN",  
 (i) in column 2, for survey no. "106", read survey no. "106/1"
- (B) at page 11507, in column 1, against village "JETIYAVAS",  
 (ii) in column 2, against survey no. "53", for the areas "3-16",  
 read "0-04".

[No. R-31015/45/2001-O.R.-II]  
 HARISH KUMAR, Under Secy.

नई दिल्ली, 6 अप्रैल, 2004

का. आ. 880.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1848 तारीख 4 जुलाई, 2003, जो भारत के राजपत्र तारीख 5 जुलाई, 2003 में प्रकाशित की गई थी, द्वारा उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) द्वारा मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन के माध्यम से गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन से पंजाब राज्य में भटिंडा तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 21 अगस्त, 2003 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विस्संगों से मुक्त, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड ( हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) में निहित होगा।



## अनुसूची

तालुका : डीसा

जिला : बनासकांठा

राज्य : गुजरात

गाँव का नाम	सर्वे संख्या	भाग यदि है तो	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(1) कुपट	60	पैकी	00	05	01
	61	पैकी	00	04	70
	67/2	-	00	00	55
(2) मालगढ	34	पैकी - कार्ट ट्रैक	00	00	65
	43/2	-	00	01	02
	76	पैकी	00	12	34
	74/3	-	00	01	54
	75/1	-	00	01	82
	72/2	पैकी	00	00	96
	-	कार्ट ट्रैक	00	00	30
	113/+1+2+3+4	पैकी - कार्ट ट्रैक	00	01	32
	115/1	पैकी	00	04	52
(3) जोरापुरा	59/3	पैकी	00	16	59
	11/1	-	00	00	02
	5/2	-	00	03	23
	-	गामतल	00	27	93
	152/3	-	00	12	95
	152/2	-	00	10	42
	152/1	-	00	07	55
(4) कंसाही	26	पैकी	00	06	81
	87	पैकी	00	03	14
	86	-	00	01	79
(5) थेगवाडा	327/1	पैकी	00	00	86
	330/1	-	00	00	37
	27/1	पैकी - कार्ट ट्रैक	00	00	40
	27/2	पैकी - कार्ट ट्रैक	00	00	40
	106	पैकी	00	00	96
	94/3	पैकी	00	19	20
	94/3	पैकी - कार्ट ट्रैक	00	00	07
	126	पैकी	00	00	55
	-	नाला	00	00	66

1	2	3	4	5
(6) भाचरवा	-	नाला	00	00 66
	60/2	-	00	04 53
	65	पैकी - कार्ट ट्रेक	00	00 88
	55	पैकी - कार्ट ट्रेक	00	00 19
	54	पैकी	00	02 17
	49/2	पैकी	00	04 51
(7) बुगल	301/1	-	00	02 53
	-	कार्ट ट्रेक	00	01 48
	226	-	00	02 70
	239	-	00	01 00
	243/2	-	00	01 01
	237	पैकी	00	01 79
	-	कार्ट ट्रेक	00	02 36
	249	पैकी	00	03 06
	250/3	-	00	04 94
	250/2	-	00	01 94
	63/1	-	00	00 36
	61	-	00	01 47
	56/2	-	00	00 41
	51	पैकी - कार्ट ट्रेक	00	00 88
(8) मुडेटा	1202	पैकी - कार्ट ट्रेक	00	00 02
	1116	-	00	02 98
	1117	-	00	01 68
	1118	-	00	04 39
	-	कार्ट ट्रेक	00	15 70
	1162	पैकी	00	00 49
	1162	पैकी - कार्ट ट्रेक	00	00 59
	1189	पैकी	00	01 58
	1188	पैकी - कार्ट ट्रेक	00	00 18
	1182/1	पैकी - कार्ट ट्रेक	00	01 23
	1392	-	00	03 88
	1381	पैकी - कार्ट ट्रेक	00	01 43
	1362/2	-	00	00 33
	1370	पैकी	00	04 17
(9) पालडी	57/3	पैकी	00	02 56
	45/2	-	00	04 45
	44	-	00	19 82
	42	पैकी	00	24 66
	26	पैकी - कार्ट ट्रेक	00	00 10

1	2	3	4	5	6
(9) पालडी जारी	26	पैकी - कार्ट ट्रेक	00	00	10
	24/1	-	00	11	24
	23/1	पैकी	00	12	96
	21/3	-	00	17	55
	21/3	पैकी - कार्ट ट्रेक	00	01	80
	19	पैकी - कार्ट ट्रेक	00	00	55
	20	-	00	18	55
	15/4	-	00	08	24
	15/1	पैकी	00	01	05
	15/5	-	00	25	45
	14/7	-	00	04	99
(10) रतनपुर (गजनीपुर)	34	पैकी	00	10	92
	23	पैकी - कार्ट ट्रेक	00	*00	●
	23	पैकी - कार्ट ट्रेक	00	00	75
	18/1	-	00	00	93
(11) नई भीलडी	224/2	पैकी	00	01	92
	21/2	-	00	02	83
	38/2	पैकी - कार्ट ट्रेक	00	00	45
(12) सोयला	9/2	पैकी	00	01	00
(13) गरनाल मोटी	139	-	00	04	90
	119/3	-	00	12	49
	119/1	-	00	00	70
	119/2	-	00	13	68
	108	पैकी	00	18	61
	83	-	00	20	77
	79/1	-	00	19	97
	79/2	-	00	09	56
	71	पैकी	00	00	41
	69/2	-	00	00	87
(14) खेटवा	32/1	-	00	03	31
	34	-	00	13	12
(15) सोतंबला	7	पैकी	00	54	86
	7	पैकी - कार्ट ट्रेक	00	01	10
	5	पैकी	00	00	70
	36/4	-	00	01	85
	36/3	-	00	00	18

1	2	3	4	5	6
(16) डेडोल	8	पैकी	00	06	31
	3	पैकी	00	09	16
	34/1/23	-	00	02	11
	34/1/19	पैकी	00	02	82
	34/1/15	पैकी	00	01	17
	34/1/17	पैकी	00	01	00
(17) लोरवाडा	95	पैकी	00	01	29
	131	-	00	05	45
	132	पैकी	00	26	86
	134/1	-	00	02	34
	133	पैकी — कार्ट ट्रैक	00	00	90
	217	पैकी	00	01	93
(18) वडावल	168	-	00	07	58
	166	पैकी	00	00	79
	165/1	-	00	20	68
	156	पैकी	00	03	52
	150	पैकी	00	01	59
	-	कार्ट ट्रैक	00	01	63
(19) समशेरपुरा	88	पैकी	00	20	12
	48+49	पैकी	00	01	46
	52/1	पैकी — कार्ट ट्रैक	00	00	55
	57	पैकी — कार्ट ट्रैक	00	00	55
(20) बाइवाडा	229/1	पैकी	00	09	56
	236/1	पैकी	00	03	62
	235	-	00	05	18
	245	-	00	10	76
	263/2	पैकी	00	14	81
	285/1	-	00	12	19
	284	-	00	02	13
	296/1	पैकी	00	09	37
	296/2	पैकी — कार्ट ट्रैक	00	01	10
	295/2	पैकी	00	01	32
	295/1	-	00	04	67
	293	पैकी	00	33	72
	389	-	00	00	49
(21) बिछोदर	214	-	00	07	89
	169	पैकी	00	00	93
	144	पैकी	00	00	66
	121	पैकी	00	02	73

[फा. सं. आर-31015/49/2001-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 6th April, 2004

**S. O. 880.—** Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.1846, dated the 4<sup>th</sup> July 2003, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 5<sup>th</sup> July, 2003, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification, for the purpose of laying pipeline for the transportation of crude oil from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda Crude Oil Pipeline by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas copies of the said Gazette notification were made available to the public on the 21<sup>st</sup> August, 2003;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited), free from all encumbrances.

### **SCHEDULE**

Taluka: Deesa		District: Banaskantha		State: Gujarat		
Name of Village	Survey No.	Part if Any	ROU Area			
			Ha.	Ar.	Sq. Mt.	
1	2	3	4			
(1) Kupat	60	P	00	05	01	
	61	P	00	04	70	
	67/2	-	00	00	55	
(2) Malgadh	34	P – Cart Track	00	00	65	
	43/2	-	00	01	02	
	76	P	00	12	34	
	74/3	-	00	01	54	

1	2	3	4		
(2) Malgadh (Contd.)	75/1		00	01	82
	72/2	P	00	00	96
	-	Cart Track	00	00	30
	113/+1+2+3+4	P – Cart Track	00	01	32
	115/1	P	00	04	52
(3) Jorapura	59/3	P	00	16	59
	11/1	-	00	00	02
	5/2	-	00	03	23
	-	Village Land	00	27	93
	152/3	-	00	12	95
	152/2	-	00	10	42
	152/1	-	00	07	55
(4) Kansari	26	P	00	06	81
	87	P	00	03	14
	86	-	00	01	79
(5) Therwada	327/1	P	00	00	86
	330/1	-	00	00	37
	27/1	P – Cart Track	00	00	40
	27/2	P – Cart Track	00	00	40
	106	P	00	00	96
	94/3	P	00	19	20
	94/3	P – Cart Track	00	00	07
	126	P	00	00	55
	-	Nala	00	00	66
(6) Bhacharva	-	Nala	00	00	66
	60/2	-	00	04	53
	65	P – Cart Track	00	00	88
	55	P – Cart Track	00	00	19
	54	P	00	02	17
	49/2	P	00	04	51
(7) Bural	301/1	-	00	02	53
	-	Cart Track	00	01	48
	226	-	00	02	70
	239	-	00	01	00
	243/2	-	00	01	01
	237	P	00	01	79
	-	Cart Track	00	02	36
	249	P	00	03	06
	250/3	-	00	04	94
	250/2	-	00	01	94
	63/1	-	00	00	36

1	2	3	4	5
(7) Bural (contd.)	61	-	00	01 47
	56/2	-	00	00 41
	51	P - Cart Track	00	00 88
(8) Mudetha	1202	P - Cart Track	00	00 02
	1116	-	00	02 98
	1117	-	00	01 68
	1118	-	00	04 39
	-	Cart Track	00	15 70
	1162	P	00	00 49
	1162	P - Cart Track	00	00 59
	1189	P	00	01 58
	1188	P-Cart Track	00	00 18
	1182/1	P-Cart Track	00	01 23
	1392	-	00	03 88
	1381	P-Cart Track	00	01 43
	1362/2	-	00	00 33
	1370	P	00	04 17
(9) Paldi	57/3	P	00	02 56
	45/2	-	00	04
	44	-	00	19 82
	42	P	00	24 66
	26	P - Cart Track	00	00 10
	26	P - Cart Track	00	00 10
	24/1	-	00	11 24
	23/1	P	00	12 96
	21/3	-	00	17 55
	21/3	P - Cart Track	00	01 80
	19	P - Cart Track	00	00 55
	20	-	00	18 55
	15/4	-	00	08 24
	15/1	P	00	01 05
	15/5	-	00	25 45
	14/7	-	00	04 99
(10) Ratanpur (Gajanipur)	34	P	00	10 92
	23	P - Cart Track	00	00 24
	23	P - Cart Track	00	00 75
	18/1	-	00	00 93
(11) New Bhildi	224/2	P	00	01 92
	21/2	-	00	02 83
	38/2	P - Cart Track	00	00 45

1	2	3	4		
(12) Soyla	9/2	P	00	01	00
(13) Garna Moti	139	-	00	04	90
	119/3	-	00	12	49
	119/1	-	00	00	70
	119/2	-	00	13	68
	108	P	00	18	61
	83	-	00	20	77
	79/1	-	00	19	97
	79/2	-	00	09	56
	71	P	00	00	41
	69/2	-	00	00	87
(14) Khetwa	32/1	-	00	03	31
	34	-	00	13	12
(15) Sotambla	7	P	00	54	86
	7	P – Cart Track	00	01	10
	5	P	00	00	70
	36/4	-	00	01	85
	36/3	-	00	00	18
(16) Dedol	8	P	00	06	31
	3	P	00	09	16
	34/1/23	-	00	02	11
	34/1/19	P	00	02	82
	34/1/15	P	00	01	17
	34/1/17	P	00	01	00
(17) Lorwada	95	P	00	01	29
	131	-	00	05	45
	132	P	00	26	86
	134/1	-	00	02	34
	133	P – Cart Track	00	00	90
	217	P	00	01	93
(18) Vadawal	168	-	00	07	58
	166	P	00	00	79
	165/1	-	00	20	68
	156	P	00	03	52
	150	P	00	01	59
	-	Cart Track	00	01	63
(19) Shamsheerpura	88	P	00	20	12
	48+49	P	00	01	46
	52/1	P-Cart Track	00	00	55
	57	P-Cart Track	00	00	55



1	2	3	4
(20) Baiwada	229/1	P	00 09 56
	236/1	P	00 03 62
	235	-	00 05 18
	245	-	00 10 76
	263/2	P	00 14 81
	285/1	-	00 12 19
	284	-	00 02 13
	296/1	P	00 09 37
	296/2	P – Cart Track	00 01 10
	295/2	P	00 01 32
	295/1	-	00 04 67
	293	P	00 33 72
	389	-	00 00 49
(21) Vithodar	214	-	00 07 89
	169	P	00 00 93
	144	P	00 00 66
	121	P	00 02 73

[No. R-31015/49/2001-O.R.-II]  
HARISH KUMAR, Under Secy.

नई दिल्ली, 6 अप्रैल, 2004

का. आ. 881.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1192 तारीख 16 अप्रैल, 2003, जो भारत के राजपत्र तारीख 19 अप्रैल, 2003 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) द्वारा मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन के माध्यम से गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन से पंजाब राज्य में भटिन्डा तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 23 मई, 2003 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड ( हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की समनुषंगी) में निहित होगा।

अनुसूची					
तहसील : ओसियों			ज़िला : जोधपुर	राज्य : राजस्थान	
क्रम सं.	गाँव का नाम	खसरा नं.	हिस्सा क्रमांक	ROU क्षेत्रफल	
				बीघा	बिस्वा
	1	2	3	4	
1	जेतिथावास	53	1	1	14
		53	मिन	1	19

[फा. सं. आर-31015/45/2001-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 6th April, 2004

S. O. 881.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.1192, dated the 16<sup>th</sup> April 2003, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 19<sup>th</sup> April, 2003, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of crude oil from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda Crude Oil Pipeline by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas copies of the said Gazette notification were made available to the public on the 23<sup>rd</sup> May, 2003;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in Guru Gobind Singh Refineries Limited ( a subsidiary of Hindustan Petroleum Corporation Limited), free from all encumbrances.

<b>SCHEDULE</b>					
<b>Tehsil : Osian</b>		<b>District : Jodhpur</b>		<b>State : Rajasthan</b>	
	<b>Name of Village</b>	<b>Khasra No.</b>	<b>Part if Any</b>	<b>ROU-Area</b>	
				<b>Biga</b>	<b>Biswa</b>
1	Jetiyavas	53	1	1	14
		53	Min	1	19

[No. R-31015/45/2001-O.R.-II]  
HARISH KUMAR, Under Secy.

नई दिल्ली, 6 अप्रैल, 2004

का. आ. 882.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन से पंजाब राज्य में भटिंडा तक मुन्द्रा-भटिंडा पाइपलाइन द्वारा अपरिष्कृत तेल के परिवहन के लिए एक पाइपलाइन गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) द्वारा बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग का अधिकार अर्जित किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार को अर्जित करने के अपने आशय की घोषणा करती है ;

जो कोई व्यक्ति उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से, जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उक्त भूमि के भीतर पाइपलाइन बिछाने के सम्बन्ध में श्री ए. आर. चौधरी, सक्षम प्राधिकारी, मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन, पंजाब रिफाइनरी परियोजना, गुरु गोबिंद सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी), एल. पी. जी. बॉटलिंग प्लांट, हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड, भगत की कोठी, जोधपुर 342005 को लिखित रूप में आक्षेप भेज सकेगा।

### अनुसूची

राज्य : राजस्थान

जिला	तहसील	गाँव	खसरा	हिस्सा क्रमांक	ROU क्षेत्रफल				
					हुक्टर	एयर	वर्ग मी.	बीघा	बिस्वा
1	2	3	4	5	6	7	8	9	10
जोधपुर	ओरियाँ	डाँवरा	1092		-	-	-	0	18

[फा. सं. आर-31015/45/2001-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 6th April, 2004

S. O. 882.—Whereas, it appears to the Central Government that it is necessary in the public interest, that for the transportation of crude oil from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab, through Mundra-Bathinda Crude Oil Pipeline, a pipeline should be laid by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of section (3) of the said Act, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri A.R.Chaudhary, Competent Authority, Mundra-Bathinda Crude Oil Pipeline, Punjab Refinery Project, Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited), L.P.G. Bottling Plant, Hindustan Petroleum Corporation Limited, Bhagat Ki Kothi, Jodhpur-342005.

## **SCHEDULE**

**State : Rajasthan**

District	Tehsil	Village	Survey No.	Part if any	ROU - Area				
					Hect.	Are.	Sq.mt.	Biga	Biswa
1	2	3	4	5	6	7	8	9	10
Jodhpur	Osiyan	Danwara	1092		-	-	-	0	18

[No. R-31015/45/2001-O.R.-II]  
HARISH KUMAR, Under Secy.

नई दिल्ली, 7 अप्रैल, 2004

का. आ. 883.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) ( जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2530 तारीख 28 अगस्त, 2003, जो भारत के राजपत्र तारीख 6 सितम्बर, 2003 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में पानेवाडी (मनमाड) से मध्यप्रदेश राज्य में मांगल्या (इंदौर) तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मनमाड पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कॉरपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 30 अक्टूबर, 2003 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा।

## अनुसूची

तहसील : राजपुर

जिला : बड़वानी

राज्य : मध्यप्रदेश

	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हेक्टेयर
1	रेलवाखुर्द	80/2	0.0210
		81/7	0.0720
		24/2	0.3060
		27/3	
		24/1/3	0.2160
		26	
		42/10	0.0050
		75/8	0.0350
		62/2	0.0800
2	लिंगवा	56/4, 56/5, 56/6	0.3350
		99/1	0.2920
		99/3	0.0435
3	बकवाड़ी	1	0.0720
4	बासवी	84/3	0.2880
		66/3	0.5670
		66/4	
		88/3	0.1150
		89/3	
		89/7	0.1210
		96/4	0.1980
		73	0.0756
		84/3	0.2880
		219/2	0.1670
5	मिहाली	15/3	0.1920
		15/2/3	0.1140
		16/1/2	
		12	0.0859
		9/8	0.0384
		9/1	0.1800
6	जुलवानिया	126/2	0.112
		119/3	0.1300
		218/4	0.263
7	देवला	210/5	0.0790
		210/7	0.1980

1	2	3	4
देवला निरन्तर.....	183		0.2340
	64/1		0.4367
8 पनावा	555		0.1778
	551		0.0530
	545		0.0720
	488		0.1490
9 बालसमुंद	20/9		0.1760
	125/2		0.0540
	107		0.0281
	126,127,129		0.1168
	20/8		0.0584
10 मातमुर	77/5,77/6		0.3390
	71/2		0.0220
11 सालीकला	162		0.0290
	156/2, 240/14/2		0.3600
	164/4		0.1170
	240/14/1, 240/12		0.0920
	130		0.0500
	258,259/6,259/1		0.0056

[फा. सं. आर-31015/24/2001-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 7th April, 2004

S. O. 883.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.2530, dated the 28<sup>th</sup> August, 2003 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 6<sup>th</sup> September, 2003, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification, for the purpose of laying pipeline for transportation of petroleum products through Mumbai-Manmad Pipeline Extension Project from Panewadi (Manmad) in the State of Maharashtra to Manglya (Indore) in the State of Madhya Pradesh by Bharat Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 30<sup>th</sup> October, 2003;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline.;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

## SCHEDULE

TEHSIL : RAJPUR		DISTRICT : BADWANI	STATE : MADHYA PRADESH
SNO.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	RELWA KHURD	80/2	0.0210
		81/7	0.0720
		24/2	0.3060
		27/3	
		24/1/3	0.2160
		26	
		42/10	0.0050
		75/8	0.0350
		62/2	0.0800
		56/4, 56/5, 56/6	0.3350
2	LINGAWA	99/1	0.2920
		99/3	0.0435
3	BAKWADI	1	0.0720
4	BASVI	84/3	0.2880
		66/3	0.5670
		66/4	
		88/3	0.1150
		89/3	
		89/7	0.1210
		96/4	0.1980
		73	0.0756
		84/3	0.2880
		219/2	0.1670



1	2	3	4
5	NIHALI	15/3	0.1920
		15/2/3 } 16/1/2	0.1140
		12	0.0859
		9/8	0.0384
		9/1	0.1800
6	JULWANIYA	126/2	0.1120
		119/3	0.1300
		218/4	0.2630
7	DEVLA	210/5	0.0790
		210/7	0.1980
		183	0.2340
		64/1	0.4367
8	PANAWA	555	0.1778
		551	0.0530
		545	0.0720
		488	0.1490
9	BALSAMUND	20/9	0.1760
		125/2	0.0540
		107	0.0281
		126, 127, 129	0.1168
		20/8	0.0584
10	MATMUR	77/5, 77/6	0.3390
		71/2	0.0220
11	SALIKALA	162	0.0290
		156/2, 240/14/2	0.3600
		164/4	0.1170
		240/14/1, 240/12	0.0920
		130	0.0500
		258, 259/6, 259/1	0.0056

[No. R-31015/24/2001-O.R.-II]  
HARISH KUMAR, Under Secy.

नई दिल्ली, 8 अप्रैल, 2004

का. आ. 884.— केन्द्रीय सरकार, को लोक हित में यह आवश्यक प्रतीत होता है कि उड़िसा राज्य में पारादीप से पश्चिम बंगाल राज्य में हल्दिया तक कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए,

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन किया जाए,

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के अन्दर पाइपलाइन बिछाने के संबंध में श्री अशोक कुमार दास, सक्षम प्राधिकारी पारादीप हल्दिया पाइपलाइन परियोजना इंडियन ऑयल कॉरपोरेशन लिमिटेड, इंडियन ऑयल कॉरपोरेशन लिमिटेड मार्केटिंग डिविज़न हाउसिंग कम्पलेक्स, मेघदम्बारा, डाकघर — कुरुदा, बालासोर — 756056, (उड़िसा) को लिखित रूप में आक्षेप भेज सकेगा।

### अनुसूची

तहसील : कुजन्ग

जिला : जगतसिंहपूर

राज्य : उड़ीसा

गाँव का नाम	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
चौकीमथा	152	0	00	19
	153	0	01	01
	26	0	00	71
	19	0	16	55
	18	0	23	30
	20	0	21	95
	24	0	00	10
	22	0	08	22

1	2	3	4	5
रनिआगड़	461	0	01	10
	460	0	00	72
	459	0	09	83
	458	0	04	03
	467	0	00	69
	468	0	00	10
	469	0	01	88
	470	0	00	22
	388	0	10	37
	389	0	02	23
	387	0	07	98
	380	0	05	34
	381	0	01	39
	382	0	06	64
	385	0	00	70
	383	0	00	41
उदयबट	995	0	04	05
	996	0	01	78
	997	0	03	52
	1039	0	01	60
	1040	0	01	46
	1041	0	01	77
	1038	0	01	07
	1042	0	02	42
	1043	0	01	42
	1044	0	01	29
	1045	0	01	84
	1046	0	00	10
	1117	0	02	51
	1118	0	03	33
	1119	0	00	81
	1116	0	03	23
	1115	0	01	69
	1114	0	00	86
	1120	0	04	35
	1123	0	07	84
	1124	0	04	27
	1127	0	18	34
	1133	0	07	76
	1199	0	02	05
	1203	0	00	79
	1200	0	01	14
	1201	0	02	45
	1202	0	01	66
	1192	0	02	17
	1193	0	05	75
	1191	0	01	36
	1186	0	00	10

1	2	3	4	5
उदयबट	1187	0	00	22
	1156	0	02	86
	1155	0	02	44
	1153	0	01	52
	1154	0	00	52
	1149	0	01	32
	1148	0	01	16
	1147	0	00	03
	1146	0	02	61
	1145	0	04	11
	1144	0	02	01
	1143	0	00	15
	1164	0	07	55
	1165	0	00	97
पारादिपगड़	1376	00	00	35
	1377	00	02	04
	1380	00	00	80
	1381	00	01	21
	1382	00	00	99
	1383	00	01	49
	1387	00	01	71
	1388	00	02	06
	1391	00	12	01
	1409	00	05	86
	1408	00	01	77
	1410	00	03	14
	1412	00	01	41
	1426	00	03	80
	1425	00	03	34
	1418	00	00	10
	1424	00	02	17
	1419	00	04	69
	1423	00	00	39
	1420	00	04	39
	1422	00	01	77
	1421	00	02	11
नुआगड़	1225	0	14	26
	109	0	0	52
	116	0	2	12
	117	0	2	77
	118	0	4	40
	119	0	0	31
	124	0	28	40
	125	0	9	54
	126	0	1	53
	136	0	0	10
	137	0	0	31
	138	0	3	44
	139	0	5	20
	140	0	5	29
	142	0	2	18

1	2	3	4	5
नुआगढ़	143	0	2	24
	144	0	2	27
	145	0	1	28
	146	0	2	75
	147	0	0	10
	150	0	7	23
	151	0	21	12
	155	0	0	10
	154	0	6	24
	213	0	2	65
	217	0	9	50
	216	0	7	17
	218	0	0	85
	248	0	8	8
	249	0	1	86
	265	0	0	74
	264	0	3	57
	254	0	10	6
	253	0	0	10
	255	0	11	9
	258	0	0	10
	756	0	8	42
	743	0	1	64
	692	0	9	10
	691	0	7	23
	690	0	6	29
	689	0	3	12
	686	0	2	65
	685	0	2	64
	682	0	6	25
	681	0	8	64
	680	0	1	94
	678	0	5	61
	679	0	1	79
	676	0	1	50
	677	0	1	45
	672	0	0	99
	673	0	1	52
	670	0	2	89
	671	0	0	11
	669	0	1	59
	668	0	1	82
	667	0	2	27
	659	0	4	77
	660	0	5	79
	661	0	2	53
	662	0	0	10
	654	0	27	56
	652	0	0	10
	651	0	6	38

1	2	3	4	5
नुआगड़	650	0	2	45
	649	0	0	10
	648	0	5	48
	647	0	4	11
	646	0	5	49
	644	0	2	17
	643	0	4	32
	636	0	7	19
	641	0	4	93
	640	0	6	38

[फ़. सं. आर-25011/8/2004-ओ.आर.-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 8th April, 2004

S. O. 884.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum (crude) from Paradip in the State of Orissa to Haldia in the State of West Bengal, a pipeline should be laid by Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri Ashok Kumar Dash, Competent Authority, Paradip Haldia Pipeline Project, Indian Oil Corporation Limited, Indian Oil Corporation Limited Marketing Housing Complex, Meghadambara, Post office – Kuruda, Balasore - 756056 (Orissa).

### Schedule

Tahsil: Kujange

District : Jagatsinghpur

State : Orissa

Name of Village	Khasra No.	Area		
		Hectare	Are	Sq. mtr.
1	2	3	4	5
Chukimatha	152	0	00	19
	153	0	01	01
	26	0	00	71
	19	0	16	55
	18	0	23	30
	20	0	21	95
	24	0	00	10
	22	0	08	22
Rangiagad	461	0	01	10
	460	0	00	72
	459	0	09	83
	458	0	04	03
	467	0	00	69
	468	0	00	10
	469	0	01	88
	470	0	00	22
	388	0	10	37
	389	0	02	23
	387	0	07	98
	380	0	05	34
	381	0	01	39
	382	0	06	64
	385	0	00	70
	383	0	00	41

Name of Village	Khasra No.	Area		
		Hectare	Are	Sq. mtr.
1	2	3	4	5
Udaybata	995	0	04	05
	996	0	01	78
	997	0	03	52
	1039	0	01	60
	1040	0	01	46
	1041	0	01	77
	1038	0	01	07
	1042	0	02	42
	1043	0	01	42
	1044	0	01	23
	1045	0	01	84
	1046	0	00	10
	1117	0	02	51
	1118	0	03	33
	1119	0	00	81
	1116	0	03	23
	1115	0	01	69
	1114	0	00	86
	1120	0	04	35
	1123	0	07	84
	1124	0	04	27
	1127	0	18	34
	1133	0	07	78
	1199	0	02	05
	1203	0	00	79
	1200	0	01	14
	1201	0	02	45
	1202	0	01	66
	1192	0	02	17
	1193	0	05	75
	1191	0	01	36
	1186	0	00	10
	1187	0	00	22
	1156	0	02	86
	1155	0	02	44
	1153	0	01	52
	1154	0	00	52
	1149	0	01	32
	1148	0	01	16
	1147	0	00	03
	1148	0	02	61
	1145	0	04	11
	1144	0	02	01
	1143	0	00	15
	1184	0	07	55
	1185	0	00	97



Name of Village	Khasra No.	Area		
		Hectare	Are	Sq. mtr.
1	2	3	4	5
Paradiagarh	1376	00	00	35
	1377	00	02	04
	1380	00	00	80
	1381	00	01	21
	1382	00	00	99
	1383	00	01	49
	1387	00	01	71
	1388	00	02	06
	1391	00	12	01
	1409	00	05	86
	1408	00	01	77
	1410	00	03	14
	1412	00	01	41
	1426	00	03	80
	1425	00	03	34
	1418	00	00	10
	1424	00	02	17
	1419	00	04	69
	1423	00	00	39
	1420	00	04	39
	1422	00	01	77
	1421	00	02	11
Nuagar	1225	0	14	26
	109	0	0	52
	116	0	2	12
	117	0	2	77
	118	0	4	40
	119	0	0	31
	124	0	28	40
	125	0	9	54
	126	0	1	53
	136	0	0	10
	137	0	0	31
	138	0	3	44
	139	0	5	20
	140	0	5	29
	142	0	2	18
	143	0	2	24
	144	0	2	27
	145	0	1	28
	146	0	2	75
	147	0	0	10
	150	0	7	23
	151	0	21	12
	155	0	0	10
	154	0	6	24
	213	0	2	65

Name of Village	Khasra No.	Area		
		Hectare	Are	Sq. mtr.
1	2	3	4	5
	217	0	9	50
	216	0	7	17
	218	0	0	85
	248	0	8	8
	249	0	1	86
	265	0	0	74
	264	0	3	57
	254	0	10	6
	253	0	0	10
	255	0	11	9
	256	0	0	10
	756	0	8	42
	743	0	1	64
	692	0	9	10
	691	0	7	23
	690	0	6	29
	689	0	3	12
	686	0	2	65
	685	0	2	64
	682	0	8	25
	681	0	8	64
	680	0	1	94
	678	0	5	61
	679	0	1	79
	676	0	1	50
	677	0	1	45
	672	0	0	99
	673	0	1	52
	670	0	2	89
	671	0	0	11
	669	0	1	59
	668	0	1	82
	667	0	2	27
	659	0	4	77
	660	0	5	79
	661	0	2	53
	662	0	0	10
	654	0	27	56
	652	0	0	10
	651	0	6	38
	650	0	2	45
	649	0	0	10
	648	0	5	48
	647	0	4	11
	646	0	5	49
	644	0	2	17
	643	0	4	32
	636	0	7	19
	641	0	4	93
	640	0	6	38

[No. R-25011/8/2004-O.R.-I]  
 RENUKA KUMAR, Under Secy.

**श्रम मंत्रालय**

नई दिल्ली, 10 मार्च, 2004

का. आ. 885.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. सेसा गोआ लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुंबई नं. 1 के पंचाट (संदर्भ संख्या 50/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2004 को प्राप्त हुआ था।

[सं. एल-29012/2/2000-आई.आर.(विविध)]

बी. एम. डेविड, अवर सचिव

**MINISTRY OF LABOUR**

New Delhi, the 10th March, 2004

S.O. 885.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 50/2000) of the Central Govt. Industrial-Tribunal-cum-Labour Court, Mumbai No. 1 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Sesa Goa Ltd. and their workman, which was received by the Central Government on 10-03-2004.

[No. L-29012/2/2000-IR (M)]

B. M. DAVID, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 MUMBAI****PRESENT:**

Shri Justice S.C. Pandey

Presiding Officer

Reference No. CGIT-50/2000

**PARTIES:** Employers in relation to the management of M/s Sesa Goa Ltd.

**AND**

their workmen

**APPEARANCES:**

On behalf of : Mr. P.J. Kamat, Adv.  
Management

On behalf of : Mr. Gaonkar  
Workmen

State : Maharashtra.

Mumbai. Dated : 31st day of July, 2003.

**AWARD PART-I**

I. This is a reference under clause (d) of Sub-section 1 of Section 10 read with Sub-section 2-A of same section

of the Industrial Disputes Act, 1947 made by the Central Govt. for resolving the industrial dispute between Pandurang B. Parsekar (the workman for short) and M/s. Sesa Goa Ltd. (the company for short). The terms of reference are as follows:

“Whether the action of the management of M/s. Sesa Goa Ltd., Goa in discharging Shri Pandurang B. Parsekar, Heavy “AAA” Driver from service w.e.f. 03-6-1999 is legal and justified? If not, to what relief the workman is entitled?”

2. The undisputed facts of this case are that the workman was employed as Heavy AAA driver with the company. His service were terminated with effect from 3-6-1999. It is not in dispute that his services were terminated by the company pursuant to a domestic enquiry after service of chargesheet dated 21-12-1998 for remaining habitually absent from duty without leave.

3. The workman stated in his Statement of claim *inter alia* that he was uneducated. He did not know enough Marathi to read and write in the language. He challenged the entire enquiry held against him as eye wash. He was made to take the Assistance of Mr. Gajanan Naik and sign papers without informing him about the nature of proceedings. He was given to understand that proceedings was being taken up with view to continue in service. The principles of natural justice were violated. He was not given proper opportunity. It was an hushed up affair. The workman was discharged. The principles of natural justice and fair play was violated. The findings recorded against him were perverse. There was failure of conciliation proceedings. His appeal too was dismissed on 4-8-1999.

4. The company *inter alia* pleaded the workman was under clause 21(f) of Certified Standing Orders i.e. Habitual absence without leave for more than 10 consecutive days. The company stated that workman participated in the enquiry. He was given assistance by Gajanan Naik who was the General Secretary of Sesa Goa Workers Union. The workman participated enquiry on 05-3-1999. The findings recorded against him were supplied by show-cause notice dated 12-5-1999. The workman in his reply admitted that he remained absent under unavoidable circumstances. Thereafter, the order dated 03-6-1999 discharging the workman was passed. In para wise reply nothing new was added except denying the allegations of the workman.

5. The following issues are being decided at this preliminary stage:

- (i) Whether the workman was given reasonable opportunity of defending himself in accordance with principles of natural justice and fair play?

(ii) Whether the findings recorded against the workman are perverse?

(iii) What relief if any to which the workman is entitled?

6. The workman in paragraphs 5, 6 and 7 of his affidavit stated that he was not given proper opportunity. It was alleged that he was illiterate. The employer had asked him to take the help of Gajanan Naik. The aforesaid person was in good books of the company. He was told that the enquiry was formal. He replied his advice that nothing shall happen to him. In paragraph 10 of his affidavit said that the enquiry officer acted in a biased manner. In paragraph 11 he asserted that he was not given copies of the relevant papers. He was misguided into signing the documents. In cross examination this witness was not dislodged. He denied that he had signed the documents after fully understanding the contents of documents. He denied that he was explained the contents of documents in Konkani. He stated that he did not know reading and writing. He stated that he did not know that Gajanan Naik. The workman stated that he denied that he had deposed falsely.

7. As against the affidavit of the workman Mr. J.R. Vishwanath filed his affidavit. He stated that the workman participated in the enquiry. He was helped by Gajanan A. Naik. It was stated by him that the workman and his representatives were explained fully the procedure in Konkani through Janardhan Gondhulekar. The workman was given full opportunity to cross examine the witnesses. Witness of the company and examine defence witnesses. The enquiry was closed when the workman declined to do so. In cross examination the witness stated that he did not know Konkani or Marathi. He stated that during the course of enquiry there were two observers (i) Balchand Kokale and Janardhan Gondhule. Janardhan Ghondule was the observer for the workman and Balchand Kokle was for the management. The witness admitted that workman had not asked for Janardhan Gondhule to be present as his observer. This witness admitted that he did not record the fact that workman was explained the procedure in the proceedings of enquiry. The witness further stated that cross examination was done by Gajanan Naik in English. However, when confronted with record, he admitted that record showed that workman had cross examined the remembered witness. The witness made an improvement that he recommended that workman had asked subsequent question in Konkani which was translated in English. He admitted that he did not make record of the fact that workman and asked questions in Konkani which were translated in English. The witness admitted as a Manager Personnel Administration, he was required to deal with matters relating to discipline, however, claimed that he was disinterested.

8. It appears to this tribunal that the preponderance of probabilities are that workman has given his deposition truthfully and his version is more reliable. The workman had stated that he was explained the procedure but the enquiry officer who did not understand Konkani says that it was explained by Janardhan Gondhelkar. The workman was not asked any question even about the presence of Janardhan Gondhelkar in cross examination. He was not asked if whether the aforesaid person explained the procedure in Konkani language. No suggestion was made to him if any observer was present. The enquiry papers also do not show that the procedure was explained to workman in Konkani. The proceedings were recorded in English. It does not appear from the record of enquiry proceedings that the representative took any part in cross examination. All the questions have been shown to be put by Chargesheeted employee. The witness gave an untenable explanation of the fact as to the reason why the record showed that it was the workman and not Gajanan Naik who examined the witness Vilas P. Kerkar. No evidence was led to show that workman understood the nature of proceedings. The two observers Janardhan Gondhule (for E.O.) and Balchandra R. Aukhale for (Charge sheeted employee) as per record of enquiry were not examined. Gajanan Naik was not examined. There is nothing on record to show that workman had requested Gajanan Naik should be his defence representative. In paragraph 6 he had stated that Gajanan Naik worked as his representative at the advice of his employer. He was in good books of the company and it was he who misguided him. There was no cross examination of the workman challenging his statement. This tribunal comes to the conclusion on Issue No. 1 that the principles of natural justice were violated. The workman was not given reasonable opportunity of hearing. It is not proved that he understood the proceedings which appear to be conducted in English. It is also proved that the workman was assisted in conducting in defence. The enquiry officer himself admitted that he did not know Marathi or Konkani. The native language of workman appears to be Kokani. Therefore, in order to be fair, the proceedings should have been conducted in that language by an officer who could understand the language. That would give greater confidence to this tribunal in conduct of proceedings. However, the recording of present enquiry appears to be very perfunctory. This tribunal therefore, holds that the entire enquiry is vitiated. Consequently, the enquiry proceedings are hereby set aside on the findings recorded on Issue No. 1.

9. It is not necessary to record any finding on Issue No. 2 and 3.

Accordingly, this part-I Award is passed by stating that the enquiry proceedings held against the workman are vitiated because the enquiry was conducted in violation of principles of natural justice.

11. However, the company shall be entitled to prove the charge against the workman by leading fresh evidence as prayed by it in paragraph 22 of the evidence.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 10 मार्च, 2004

का. आ. 886.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. टेनमेग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 62/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2004 को प्राप्त हुआ था।

[ सं. एल-29011/96/2002-आई.आर. (विविध) ]

बी. एम. डेविड, अवर सचिव

New Delhi, the 10th March, 2004

S.O. 886.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 62/2003) of the Central Govt. Industrial-Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Tanmag and their workman, which was received by the Central Government on 10-03-2004.

[No. L-29011/96/2002-IR (M)]

B. M. DAVID, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 4th February, 2003

#### PRESENT:

K. Jayaraman, Presiding Officer

INDUSTRIAL DISPUTE NO. 62/2003

(In the matter of dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of TANMAG, Salem and their workman)

#### BETWEEN

1. The General Secretary : Ist Party/Claimants  
Salem Mayatta Anna  
Thozhir Sangam, Salem.
2. The General Secretary  
Magnesite Thozhilalar Munnetro  
Sangam, Salem.
3. The General Secretary  
Magnesite Workers Union.

4. The General Secretary  
Pattali Thozhir Sangam, Salem.
5. The General Secretary  
Magnesite National Labour Union, Salem.

#### AND

The Managing Director, : II Party/Management  
TANMAG, Salem

#### APPEARANCE:

- For the Claimant : M/s. S. Vaidhyathan &  
No. 1, 2, 3 & 5 M. Rajendran, Advocates
- For the Claimant : M/s. A. Nagarathinam &  
No. 4 S. Ambedkar, Advocates
- For the Management: Sri. M.R. Raghavan  
Advocate

#### AWARD

The Central Government, Ministry of Labour vide Notification Order No. L-29011/96/2002-IR(M) dated 31-3-2003 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of TANMAG in denying ex-gratia to their employees for the accounting year 2000-01 amount to violation of Section 9A of the Industrial Disputes Act? If so, to what relief the concerned workmen are entitled?”

2.-After the receipt of the reference, it was taken on the file of this Tribunal as I.D. No. 62/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and the Petitioners have filed the Claim Statements but, the Respondent/Management has not filed any Counter Statement in this case, even after granting several adjournments. Hence, the Respondent called absent and set ex-parte and proof of affidavit of the 4th Claimant/Petitioner Union was filed and the evidence of the 5th Claimant/Petitioner Union was taken.

3. The 1st, 2nd, 3rd and 5th Petitioner Unions have filed a common Claim Statement in which they alleged that they are the workmen of TANMAG and the Respondent/Management have been paid ex-gratia payment, in cash and Pongal gift in kind each year in addition to minimum bonus of 8.33% even in the absence of available surplus under the payment of Bonus Act in the every concerned year as a customary and it is constituted (condition of service) as a concession in usage. While the payment of ex-gratia has been made customary, the Respondent/Management has denied the existing customary payment to workmen for the year 2000-01. the Petitioner Union and other unions raised demands for payment of bonus and usual customary ex-gratia payment and Pongal gift, but it was denied by the Respondent/Management. Being the

payment of ex-gratia amounts to effecting a change in the service condition of workmen, without giving notice under section 9A of Industrial Disputes Act, 1947, thereby the Respondent/Management violated the provisions of Industrial Disputes Act, 1947. The 4th Schedule to Industrial Disputes Act, 1947 enumerated 11 items as falling under conditions of service for change of which notice has to be given. Item 8 of 4th Schedule attracts this dispute namely "withdrawal if any customary concession or privilege are change in usage". For over a decade, this practice of customary concession as a gesture of goodwill was given to the workers and it was made in order to maintain higher productivity, Industrial peace and harmony. Therefore, the denial of this ex-gratia payment and Pongal bonus clearly amounts to change in conditions of service under section 9A of Industrial Disputes Act, 1947. This practice was in vogue from 1989-90. Even in the year 1999-2000 minimum bonus of 8.33% ex-gratia of 11% and Pongal gift of Rs. 300 was paid. Hence it is prayed that this Tribunal may be pleased to pass an award in their favour.

4. The 4th Petitioner Union in their Claim Statement has alleged that in the year 2000-01 the management has allotted Rs. 27,71,875 for payment of bonus in Schedule 13 of Annual Report. Even in spite of this the Respondent/Management refused to provide bonus to workman. The State Govt. by an order in G.O. MS No. 442 dated 9-11-2001 directed to pay bonus as per the Payment of Bonus Act. It is alleged by the II Party/Management that the said G.O. does not state anything as to the payment of ex-gratia amount to workmen and therefore, workers were denied the payment of ex-gratia by the Respondent/Management. The Petitioner Union states the order of Govt. of Tamil Nadu dated 9-11-2001 is not binding on the II Party/Management and therefore, the Respondent/Management should not deny the payment of ex-gratia to workmen on this reason. Hence, the Petitioner Union prays that an award may be passed in their favour to pay ex-gratia amount to workmen for the year 2000-01.

5. Even in spite of several adjournments the Respondent/Management has not chosen to file any Counter Statement and therefore, it is set ex-parte.

6. In such circumstances, the points for my determination are:—

(i) "Whether the action of the Respondent/Management in denying ex-gratia to their employees for the accounting year 2000-01 amounts to violation of Section 9A of Industrial Disputes Act?"

(ii) "To what relief, the Petitioner is entitled?"

Points No. 1 :—

7. In this case, the General Secretary of the 5th Petitioner Union has given evidence stating that he is

giving this evidence on his behalf and on behalf of the other Unions. Every year, the II Party/Management was paying the workman the ex-gratia payment and also the Pongal gift of Rs. 300 per year and he has mentioned all those things mentioned in paras 12 to 22 of the Claim Statement and only this year i.e. 2000-01 the Respondent/Management has refused to pay the amount and it is customary concession given to the workmen and therefore, if the II Party/Management wants to curtail the same the Respondent/Management has to issue a notice before curtailing the concession given to the workers. Under such circumstances, he prays that an award may be passed in their favour as prayed for. The General Secretary to the 4th Petitioner Union has also in his proof of affidavit stated all those things mentioned in the Claim Statements.

8. From the evidence of the General Secretary of 5th Petitioner Union and also from the proff of affidavit filed by the General Secretary of the 4th Petitioner Union, it is clear that from the year 1989-90 the workmen were given ex gratia payment and also Pongal gift. In fact, it is clear that in 1999-2000 minimum bonus of 8.33% ex-gratia of 11% and also Pongal gift of Rs. 300 were paid to workman. There is no contra evidence filed by the Respondent/Management in this case. Therefore, I find the withdrawal of customary concession given to the I party/Claimants is illegal, because no notice was issued by the II Party/Management before withdrawing this customary concession and therefore, I find the II Party/Management has violated the provisions of Section 9A of the Industrial Disputes Act, 1947 and as such I find this point in favour of the Petitioner Unions.

Points No. 2 :—

The next point to be decided in this case is to what relief the Petitioner is entitled?

9. In view of my foregoing findings, the Petitioner Unions are entitled to the relief as prayed for. No Costs.

10. The reference is disposed of accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th February, 2004).

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/Claimant : WW1 Sri Sadasivam  
WW2 Sri V. K. Nallamuthu

For the II Party/Management : None

Documents Marked :—

On either side : Nil

नई दिल्ली, 10 मार्च, 2004

कां.आ. 887.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बामर लारी एंड कं. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 106/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2004 को प्राप्त हुआ था।

[ सं. एल-30012/16/2003-आई.आर. (विविध) ]

बी. एम. डेविड, अवर सचिव

New Delhi, the 10th March, 2004

S.O. 887.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 106/2003) of the Central Govt. Industrial-Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Balmer Lawrie & Co. Ltd., and their workman, which was received by the Central Government on 10-03-2004.

[No. L-30012/16/2003-IR (M)]

B. M. DAVID, Under Secy.

**ANNEXURE**

BEFORE THE CENTRAL GOVERNMENT-CUM-  
LABOUR COURT, INDUSTRIAL TRIBUNAL  
CHENNAI

Wednesday, the 4th February, 2003

**PRESENT:**

K. Jayaraman, Presiding Officer

**INDUSTRIAL DISPUTE No. 106/2003**

[In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Balmer Lawrie & Co. Ltd., and their workman].

**BETWEEN**

Sri A. S. Ashokan : I Party/Workmen

**AND**

The Assistant : II Party/  
General Manager : Management  
(P&A) Balmer Lawrie  
& Co. Ltd., Chennai.

**APPEARANCE:**

For the : M/s. R. Krishnasamy,  
Workman : R. Panchalingam & C.  
Murugesan, Advocates

For the :  
ManagementSri M. R. Raghavan,  
Advocates**AWARD**

The Central Government, Ministry of labour vide Notification Order No. L-30012/16/2003-IR(M) dated 4-6-2003 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Balmer Lawrie & Co. Ltd., in terminating the service of Sri A.S. Ashokan w.e.f. 24-6-1998 is justified? If not, to what relief he is entitled?”

2. After the receipt of the reference, it was taken on file as I.D. No. 106/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and the Petitioner has filed the Claim Statement but, the Respondent/Management has not filed any Counter Statement in this case. Hence, the Respondent is called absent and set ex-parte and proof of affidavit was filed by the Petitioner.

3. The allegations in the Claim Statement of the Petitioner are briefly as follows :—

The 1st Respondent is a Government of India enterprise and the 2nd Respondent is a branch of the 1st Respondent, where packing, stocking and forwarding of tea for the purpose of export is done as per the directions of the 1st Respondent. The Petitioner joined the 1st Respondent/Management on 15-06-90 as a car driver for an initial monthly salary of Rs. 2500/- plus other allowances. Subsequently, he was transferred to the 2nd Respondent as a tea boy with effect from August, 1994. He was also paid bonus for the served years. The Petitioner has put in continuous service without any break. While so, the Respondent/Management refused employment to the Petitioner from 24-06-1998. The refusal to give employment to the Petitioner is illegal and without any basis and no show cause notice, charge memo or enquiry was issued/ conducted against the Petitioner and it is against the principles of natural justice, colourable exercise of power vested in the management as a result of victimisation and unfair labour practice. Even the notice issued by the Petitioner has not been honoured. Therefore, the Petitioner has raised an industrial dispute before the Labour Commissioner. Since the conciliation ended in a failure, the matter has been referred to this Tribunal. Therefore, the Petitioner prays that an award may be passed directing the Respondent to reinstate him into service with continuity of service from 24-06-98 with full back wages and all other attendant benefits.

4. Even several adjournments were given for filing the Counter Statement of the Respondent, the Respondent has not chosen to appear before this Court nor the counsel on record for the II Party/Management filed the counter

statement of the Respondent, therefore, the Respondent was set ex-parte and proof of affidavit of the Petitioner was obtained

5. In proof of affidavit, the Petitioner has stated what are all stated in claim statement and also filed ESI card given to him and also the provident fund slips. Further, he has filed bonus slips paid by the Respondent and copy of letter for provident fund advance sanctioned to him. These documents are marked as Ex. W1 to W5.

6. From the records produced by the Petitioner and also evidence given by the Petitioner through proof of affidavit, it is clear that he has established that he is an employee of the Respondent and no notice has been issued for his termination from service and therefore, I am satisfied that his termination from service is illegal. Therefore, I find this point in favour of the Petitioner.

Point No. 2 :—The next point to be considered in this case is what relief the Petitioner is entitled to?

7. In view of my foregoing findings, the Respondent is to reinstate the Petitioner Sri A.S. Ashokan into service with continuity of service from 24-06-98 with full back wages and other attendant benefits. No Costs.

8. The reference is disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th February, 2004.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined : Nil

Documents Marked :

For the I Party/Workman :

Ex. No.	Date	Description
W1	07-09-90	ESI card issued to Petitioner
W2	1991-92 & 1992-93	Provident Fund slips issued to Petitioner
W3	1995-96	Provident Fund slips issued to Petitioner
W4	11-02-99	Bonus slip issued by the Respondent to Petitioner
W5	09-01-01	Copy of the letter from P.F. Commissioner to Petitioner With regard to settlement of provident fund.

For the Respondent/Management : Nil

नई दिल्ली, 10 मार्च, 2004

का.आ. 888.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केरला मिनरल्स मेटल्स लि. के प्रबंधन के संबंध में निर्यातकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण कोल्लम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2004 को प्राप्त हुआ था।

[सं. एल-29012/130/2001-आई.आर. (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 10th March, 2004

S.O. 888.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Govt. Industrial-Tribunal, Kollam as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Kerala Minerals & Metals Ltd., and their workman, which was received by the Central Government on 10-03-2004.

[No. L-29012/130/2001-IR (M)]

B. M. DAVID, Under Secy.

### ANNEXURE

### IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM

(Dated, this the 16th day of February, 2004)

PRESENT :

Sri C.N. Sasidharan,  
Industrial Tribunal

In

INDUSTRIAL DISPUTE NO. 41/2002

BETWEEN

The Managing Director,  
Kerala Minerals and Metals Ltd., : Management  
P.O. No. 4, Sankaramangalam,  
Chavara, Kollam.

(By M/s. Menon & Menon, Advocates, Kochi)

AND

Sri. K. Subramanian, : Workman  
Kuppandi Cholla House,  
Menonpara P.O.,  
Palakkad Distt., Palakkad.

(By Sri. P.A. Ahmed, Advocate, Trivandrum)

### AWARD

This industrial dispute has been referred for adjudication to this Tribunal by the Government of India as per Order No. L-29012/130/2001-IR(M), dated 22-7-2000.

The issue for adjudication is the following :

"Whether the action of the management of M/s. Kerala Minerals and Metals Ltd., in terminating



the service of Shri K. Subramanian, Ex-Technician Grade B justified? If not; to what relief the workman is entitled?"

II. The management has terminated the services of the workman on the basis of a domestic enquiry finding in which he was found guilty of the misconduct of unauthorised absence from duty. The management justifies their action. On the other hand the workman contended that the enquiry was not properly conducted and it is invalid. This Tribunal, by order dated 30-1-1994, found that the enquiry is proper and valid. In order to understand the facts involved in this case, I shall extract below that order in full :

### ORDER

This industrial dispute relates to the termination of the service of Sri K. Subramanian, the workman in this case by the management of M/s. Kerala Minerals and Metals Ltd..

2. The management before terminating the service of the workman chargesheeted him for the misconduct of unauthorised absence and on the findings of an enquiry the present action has been initiated. According to the workman there was no enquiry at all and the action of management is unjustified.

3. The case pleaded by the workman is briefly as below : the workman was working as technician Gr. B in the Titanium Dioxide Pigment Plant ('Pigment unit' for short) of the management for more than 18 years. While so he was selected for employment abroad in January 1992 and he has applied for leave for 3 years on the basis of circular dated 16-8-1990 of the Government by which leave could be granted for an initial period of 3 years and thereafter for a period of 5 years. Several employees of the company were granted such leave and they were employed abroad. On the assurance given by the management the workman accepted the job opportunity abroad and without waiting for the order of leave sanctioned and under the impression that leave will be sanctioned, he took up employment abroad. However the management took up a different stand on the basis of Government circular dated 3-5-1991, terminated the service of the workman without sanctioning leave. He was not served with any notice before terminating service and no enquiry was conducted. No chargesheet was also issued to him. The action of management tantamount to violation of principles of natural justice. He has not committed any offence warranting termination of service. He has filed original petition before the High-Court challenging the termination and the workman was directed to approach Government for referring the dispute to Labour-Court. According to the workman many other workmen of the same unit who had absented without authorised sanctioned from the company were alleged to rejoin the service after condoning the alleged misconduct. The

management is thus taking double standards in the case of the workman. One Sri. S. Sasidharan Nair, Operator Gr. B, who had gone to Soudi Arabia without sanctioned leave was also allowed to join service by the award of this Tribunal in ID. 1/96. The delay in the reference of this dispute happened as the workman was under the bonafide belief that the High Court would interfere the matter. The prayer is for reinstatement in service with all benefits.

4.(1) The pleaded by the management is briefly as under: the Management company is a Government of Kerala undertaking. The workman was appointed as a technician-cum-winder auto electrician Gr.B in the pigment unit. The management is a highly technical complicated chemical process industry and it was noticed that there was an increased tendency among the employees to accept employment abroad and to facilitate that apply for long leave. The management took by the matter with the Government and the Government by order dated 19-4-1991 informed the management that technical person working in the plant need not be given long leave for taking up employment abroad. The management accordingly issued circular dated 3-5-1991 informing the employees that technical will not be granted leave for taking up employment abroad. In spite of this circular, the workman applied for two years leave for taking up employment abroad which was rejected by the management on 23-1-92 But he repeated his request for leave which was also rejected on 31-3-1992. The workman started unauthorisedly absting from work from 12-5-1992 onwards and there was no leave application after 12-5-1992. Hence in terms of the ceretified standing orders of the company, chargesheet was sent to the workman to his known address which was returned with the postal endorsement, "addressee left India". The management therefore published the chargesheet in the Malayala Manorama Daily, Palghat Edition on 12-6-1992. The workman did not submit any explanation to the chargesheet nor he reported for duty. The management therefore appointed an enquiry officer to conduct a domestic enquiry into the charges levelled against the workman. The enquiry officer sent notice of the enquiry to the workman's last known address and simultaneously published the notice in the Malayala Manorama Daily date 3-9-1992 regarding the conduct of the enquiry. The notice sent to the workman's last known address was returned with the postal endorsement, "addressee left India". The workman was not present on the date of the enquiry. The management adduced evidence and the enquiry officer found that the charges have been proved against the workman. On the basis of the findings of the enquiry officer and after considering all the aspects of the matter, the management imposed the present punishment.

4. (2) The management filed approval application before this Tribunal as Mp. 14/92 and inspite of notice from this Tribunal as well as notice published in the malayala Manorama Daily and inspite of granting several

adjournments, the workman had not filed any objection though he entered appearance through Advocate. This Tribunal granted approval finding that the management had made out a case for such approval. The legality of the domestic enquiry and the findings of the enquiry cannot be questioned by the workman as those are concluded issues and hit by the principles of resjudicata. The enquiry was legal and proper and the findings are valid. The dispute has become stale and the present dispute is illegal, incompetent as the workman cannot raise a dispute in the year 2001 against the termination of service imposed in the year 1992. The action taken by the management was in accordance with provisions contained in the certified standing orders and the punishment imposed is for the proved misconduct. There is no violation of the principles of natural justice. Though the management granted leave to some of the employees for taking up employment abroad earlier, the management had not sanctioned long leave or extended the leave to any one, after the circular dated 3-5-1991 s/s A.T. Xavier, P. Reghumath and A. Premji returned to India and reported for duty when chargesheet issued to them. The management has not granted leave to other employee as alleged by the workman. The management had not discriminated the workman. The case of Sri. Sasidharanpillai stands on a different foot which cannot be cited by the workman to assail his termination. The said award was passed in the facts and circumstances of that particular case and that dispute was raised in the year 1996.

5. As the validity of the enquiry was challenged by the workman that point was considered as a preliminary point. the enquiry file containing, chargesheet, evidence and documents have been marked as ext. M1 without examining the enquiry officer as consented to by the learned counsel for the workman. The workman has not adduced any evidence.

6. The management has raised a preliminary objection to the effect that this dispute has become stale and the reference made by the Government of India is illegal and incompetent. The argument advanced by the learned counsel for the management in support of the above is that the original petition filed by the workman challenging his termination was dismissed by the High Court dated 9-12-1997 and this reference has been made only in the year 2001. Hence there is inordinate delay. But it may be noticed that after the disposal of the original petition by the High Court the workman approached the Government of Kerala for referring the dispute and it was found that State Government is not the appropriate Government for referring this dispute by order date 10-08-2001. Accordingly the workman approached the Government of India which resulted the present reference. The filing by original petition before the High Court and the delay in making reference by the Government as well as the Government of India resulted the present delay. It is thus clear that there was no purposeful laches or negligence on the part of the workman.

Therefore it cannot be held that this dispute has become stale. This contention is therefore devoid of merit.

7. the first point of attack against the action of management is that the workman has not been given any notice before terminating his services nor conducted a domestic enquiry after affording him opportunity to participate in the enquiry. Therefore the enquiry, if any, has been conducted is violative of the principles of natural justice according to the workman. it is not disputed that the workman left the country for taking up employment abroad without getting leave sanctioned by the management. There is also nothing to show that he has informed his foreign address to the management after joining service there. There is also no dispute that the management has rejected leave application of the workman for the second time by letter dated 31-3-1992. Thereafter since the workman absented from duty unauthorisedly from 12-5-1992 onwards, the management issued chargesheet to his last known address which was returned with the postal endorsement, "addressee left India." Thereafter the management published the chargesheet in the Malayala Manorama Daily on 2-6-1992 in Palghat Edition as the workman belongings to Palghat District. As there was no explanation from the workman to the chargesheet nor he reported for duty, it is evident that the management has appointed an enquiry officer. From Ext. M1 enquiry file it is clear that the enquiry officer also sent notice of enquiry dated 27-8-1992 to the workman's last known address and also published the same in Malayala Manorama Daily on 3-9-1992 regarding the conduct of the enquiry on 18-9-1992. The notice sent by the enquiry officer was also returned with the endorsement of postal authorities as "addressee left India". It is thus evident that the management as well as the enquiry officer issued notices and published the same in a daily, newspaper, thereby affording reasonable and sufficient opportunity to the workman to give explanation and to participate in the enquiry. But he has not utilised the same. the learned counsel for the workman would argue that the notice should have been published in an international daily newspaper instead of publishing it in a particular edition in one District only and the action of the management is quite illegal and unjustified. As stated above the management was never informed about the foreign address of the workman and the management is fully justified in publishing the notice in the newspaper in the edition of particular District to which the workman belongs. There is no illegality in the action of management. In this state of affairs I have no hesitation to hold that there is no violation of the principles of natural justice as alleged by the workman.

8. The next question to be considered is whether the findings of the enquiry officer are proper and valid. The workman did not participate in the enquiry after affording all opportunities. He has no case that he was not abroad. The management has adduced evidence and the enquiry

officer after considering all the aspects concluded that the charges levelled against the delinquent have been proved. There is no dispute that the workman left the company without getting leave sanctioned and he has not reported for duty after issuing the notice to his last known address as well as notice published in a daily newspaper. Therefore the findings of the enquiry officer are proper and valid and fully supported by legal evidence.

9. As stated above the workman took up employment abroad without getting leave sanctioned by the management company and did not give any explanation to the chargesheet and also not participated in the enquiry. The workman failed to respond the chargesheet issued to his last known address as well as published in a daily newspaper and did not report for duty. In such circumstances it was not necessary to give any further notice or to conduct a domestic enquiry. No prejudice will also be caused to him on account of this. The above view is supported by the following decisions. In the case between Algarh Muslim University and Manzoor Alihan ('00(7)SCC 529), the Supreme Court considered the same question, there, the employee obtained two years leave for job in a foreign country and on expiry of the period applied for extension of two more years but was granted extension for only one year with warning that in case of overstaying he would be deemed to have vacated office. Despite this warning he joined a fresh two year job in the foreign country and he was automatically terminated for unauthorised absence. The court held that in such circumstances issuance of notice to him not have made any difference and on admitted facts one view was possible. The court further held that the absence of notice caused no prejudice to him and was, therefore, not violative of the termination order. The Supreme Court in *Syndicate Bank V. General Secretary, Syndicate Bank Staff Association* ('01 LLJ 1630) considered the case of an employee who unauthorisedly absented more than 90 days. The bank sent notice by registered post which was returned with remark "refused" and the Bank terminated his service and the intimation sent by registered post returned undelivered as party not found. The court held that when the notice returned with the postal endorsement 'refused' the presumption should be in favour of the Bank and when delinquent did not respond the notice the Bank passed the order that the workman had voluntarily retired from service, which is justified. It is also pointed out that when the party not submitting explanation nor reported for duty, enquiry is not required. Again in *Punjab and Swiss Bank V Sakattar Singh* (80-1 LLJ 174) the Supreme Court considered the case of an employee for unauthorised absence from duty. In that case also the employee defaulted in not offering explanation for unauthorised absence nor placed any material to prove that he reported for duty within 30 days

of notice as required in the Bipartite Settlement. In para 5 of the judgement the court has pointed out that in such a situation conduct of an enquiry was not necessitated. The High Court of Kerala in *Beemakunju and Others V. FCI* ('01(1)KLJ 725) considered as case where disciplinary action was without conducting domestic enquiry. Of course in that case the service conditions provide for such procedure to dispense with domestic enquiry. But even then the workman had been put notice. In para. 11 of the judgement the court pointed out that when the service conditions provide for such procedure to dispense with a domestic enquiry in the case of unauthorised absence and in the circumstances would also show that the workman concerned has been put to notice regarding the same. It is not mandatory to conduct a domestic enquiry for that only purpose.

10. There is yet another contention that copy of enquiry report was not furnished to the workman nor published the same which caused much prejudice to him and the enquiry is therefore vitiated. As stated above the workman did not participate in the enquiry in spite of notice by the enquiry officer. He was admittedly away in a foreign country. Further he has not contested the approval application as well. It is also pertinent to note that in response to the notice published by the management after the enquiry the workman filed original petition before the High Court. Hence it is not necessary to published enquiry report and no prejudice has been caused to him due to non furnishing of copy of the enquiry report. The decision relied on by the learned counsel for the delinquent reported in AIR '88 SC. 1000, 1993 (4) SCC. 722 and 1991 (1) SCC, 588, according to me, are not applicable here as the facts and circumstances are quite distinguishable.

11. The management has a contention that after termination of the service of the workman the management has filed MP. No. 14/92 before this Tribunal for approval and this Tribunal by order dated 26-3-1993 accorded approval of the action taken by the management. The argument is that order this Tribunal has already found that the enquiry in question was fair and proper and the charges were proved in the enquiry. Hence, according to the learned counsel for the management, the workman cannot now question the validity of the enquiry as it is hit by the principles of *res judicata*. No doubt this Tribunal has accorded approval of the termination of the service of the workman in MP. No. 14/92. But under Sec. 33(2)(b) of the Industrial Disputes Act the management has to establish only a *prima facie* case and the Tribunal has not considered the validity of the enquiry in detail as it was not called for or necessary in such a proceeding. Therefore the present contention is without force. It is also noticeable that the workman has not contested the approval application. Further as pointed out by the learned counsel for the delinquent the Supreme Court in

workmen of M/s. Hindustan Lever Ltd., V. Management of Hindustan Lever Ltd., (AIR, 84 SC, 516) has pointed out in para. 23 of the judgement that it is inappropriate to usher in the technical concept of *res judicata* pervading in the field of civil justice into the field of industrial adjudication. It is also pointed out that this highly technical concept of civil justice may be kept in precise confined limits in the field of industrial arbitration which must as far as possible be kept free from such technicalities which thwart resolution of industrial disputes. The above observations also negative the contention of the management.

12. In the light of the above discussion, I hold that the enquiry has been conducted fully in compliance with the principles of natural justice and the findings of the enquiry officer are proper, valid and supported by legal evidence.

III. The only point now remaining for consideration is regarding the propriety of punishment of termination of the workman. According to the management as the workman was found guilty of the misconduct of unauthorised absence from duty in a properly conducted domestic enquiry as found by this Tribunal, the present punishment is only proportionate and no interference is called for from this Tribunal. The only objection raised from the workman's side is that the management has reinstated some other similarly placed workmen and thereby this workman has been discriminated and hence he is also entitled to be reinstated in service. The learned counsel for the management pointed out that the management has reinstated some workmen who were also absented without leave but in their case, some of them after issuing notice proposing disciplinary action and some others during the course of the enquiry against them, came forward to join duty and hence they were reinstated in service. According to the learned counsel the case of the present workman stands on an entirely different footing and he is not entitled to claim the very same treatment. The circumstances under which similarly placed workmen were reinstated as submitted by the learned counsel for the management has not been controverted by the learned counsel for the workman. Both sides have not specified the number of such reinstated workmen and the circumstances involved in their absence. However the workman has no case that he approached the management to join duty after disciplinary action was initiated against him. Therefore the workman cannot take shelter under the reinstatement of similarly placed workmen.

IV. This is a case in which the workman went abroad for employment without getting leave sanctioned from the management company. His request for leave for foreign employment was rejected by the management twice. Further his leave application itself was against the circular issued

by the management on 3-5-1991 that technical persons will not be granted leave for taking up employment abroad. He has not responded the notices issued by the management and not participated in the subsequent enquiry proceedings. He has also not appeared before this Tribunal and contested the approval application filed by the management for approval of his dismissal. The inconveniences and difficulties forced upon the management due to the unauthorised absence of the workman cannot also be ignored while considering the propriety of punishment. In this state of affairs the present punishment of termination cannot be stated to be disproportionate or excessive. On the other hand it is only commensurate with the gravity of the misconduct. There are absolutely no exenuating circumstances also to interfere with the present punishment.

V. The above view is supported by the following decisions. The High Court of Kerala in M. Madhava Rao V. Appellate Authority, Sate Bank of Travancore, Trivandrum ('02-94-FLR 1210) considered the same question. In that case the facts involved are exactly similar as that of the facts in the case before me. The court in para 12 of the judgement pointed out that so long as the workman was an employee he had no right to walk away ignoring whether or not request sought for had been granted, that the reason for going away and remaining there, are his personal matters and that so long as the workman had no unqualified right to avail of special leave, his conduct cannot be approved. The court finally held that there was no error on the part of the management bank in the conduct of the enquiry and imposition of penalty and hence no interference was required. The High Court of Delhi in Bomen V. Presiding Officer, Labour Court ('03 (2) LLJ 551) considered the case of a workman who absented for 62 days and had submitted leave application only for 15 days and for that he was dismissed from service. The Labour Court ordered reinstatement. In para 6 of the judgment the High Court held that the findings of the Labour Court amounted to misreading of Sec. 11A of Industrial Disputes Act and ruled that the punishment imposed on the workman would not be construed to be disproportionate.

VI. In the result, an award is passed holding that the termination of the service of Sri. K. Subramanian by the management of M/s. Kerala Minerals and Metals Ltd., is justified and hence the workman is not entitled to any relief.

C.N. SASIDHARAN, Industrial Tribunal

#### APPENDIX

##### Document marked on the side of the Management :

Ext. MI. File containing, chargesheet, enquiry proceedings, statement of witnesses and documents.

नई दिल्ली, 15 मार्च, 2004

का.आ. 889.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फेडरल बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार श्रम न्यायालय, एर्नाकुलम के पंचाट (संदर्भ संख्या आई.डी. 49 ऑफ 1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-2004 को प्राप्त हुआ था।

[सं. एल-12012/69/98-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 15th March, 2004

S.O. 889.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I. D. No. 49 of 1998) of the Central Government/Labour Court, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Federal Bank Limited and their workman, which was received by the Central Government on 12-3-2004.

[No. L-12012/69/98-IR(B-I)]

AJAY KUMAR, Desk Officer

**ANNEXURE****IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM****(IN THE LABOUR COURT, ERNAKULAM)**

(Monday, the 15th day of December, 2003)

**PRESENT:**

SMT. N. Thulasi Bai, B.A.L.L.B., Presiding Officer

Industrial Dispute No. 49 of 1998 (Central)

**BETWEEN:**The Chairman, Federal Bank Limited, Head Office,  
Alwaye

and

The Workman of the above concern represented by the  
General Secretary, Federal Bank Employees Union,  
P.S. No. 10, Alwaye.**Representations:**Sri Pathros Mathai, : For Management  
M/s. Menon & Pai,  
Advocates ErnakulamSri. C. Anil Kumar : For Workman  
Advocate, Emakulam.**AWARD**

This reference was made by the Central Government as per Order No. L-12012/69/98/IR (B-I) dated 13-11-1998.

The dispute is between the management of Deferal Bank Limited and its workman Sri M. Y. Joseph. The dispute referred is:

"Whether the action of the management of M/s Federal Bank Ltd. in imposing the punishment of stoppage of three increments with cumulative effect on the workman Sri. M. Y. Joseph, Typist-Clerk for certain alleged charges is justified? If not, to what relief the workman is entitled?"

2. In the reference the worker is represented by the General Secretary, Federal Bank Employees Union, Alwaye and the management is represented by the Chairman of Federal Bank Limited.

3. On receipt of notices issued from this court the union and management appeared through counsel.

4. The union filed a claim statement raising the following claims:—

The workman is working as a Typist-Clerk under the management. He was transferred to legal department during July, 1992. According to the Union from the very beginning of the workman's joining in the legal department Sri. K. Mathews Mathai, the Chief Manager of that department had adopted a hostile attitude towards the worker and made all the other officers in the legal department also hostile towards him. The Chief Manager harassed and reticulated the workman by all possible means. As per his instructions the leave applications, medical certificates, loan application etc. of the workman were not accepted. Though the workman made complaints to superior officers in respect of the above said activities there was no action from the part of the higher officials. Filing of the complaint further infuriated the Chief Manager. While so a charge sheet was issued to the workman alleging certain misconduct such as absence without leave, neglect of work, wilful slowing down in performance of work and doing acts prejudicial to the interest of the bank etc. Sri. Mathew T. Oommen, Personnel Officer, P.I.R. Department was appointed as the enquiry officer and he submitted his report on 18-2-1995. The workman offered his comments on the enquiry report as early on 21-4-1995. Thereafter no action was followed for about 18 months and the punishment of barring of increments was proposed as per order dated 3-11-1995. Even after the first charge memo hostile actions were being initiated against the workman and the salary cut were effected being on subsequent memos. Subsequent 4 more charge sheets were issued against the workman in respect of which a domestic enquiry was conducted through Sri. Prakash C. Chand Deputy Manager, FIR department. The domestic enquiry conducted was violative of the principles of natural justice and fairness. The enquiry officer had relied on surmises and conjectures to arrive at the findings. The enquiry officer depended on the interested testimony of the management witnesses and had omitted to note that



the workman had been ill treated and harassed by the Chief Manager, Legal Department. The enquiry officer submitted his report on 1-7-96 finding the workman guilty of the alleged misconducts. The workman submitted comments on the report on 23-8-96. But the disciplinary authority concurring with the findings of the enquiry officer impose the punishment of stoppage of increment for a period of 3 years with cumulative effect as per order dated 17-12-1996 after giving an opportunity to the workman for personnel hearing in respect of the proposed punishment. Against the order of punishment the workman preferred an appeal before the Chairman of the Bank which ended in dismissal as per order dated 24-3-1997. So the union prays for passing an award setting aside the punishment imposed on the workman.

5. In the written statement filed by the management following contentions are seen raised :—

The workman was resorting to acts of misconducts continuously and repeatedly. He was abusing the officers using filthy language and he has not cared to carry out instructions of his superiors. Complaints were received from the officers in the legal department again the wilful acts of misconducts of the workman. The workman was absenting frequently without any leave or making proper leave application. For the misconduct of absence without leave on a number of days, a charge sheet was issued to him on 11-10-1993. An enquiry was conducted giving full opportunity to the workman and the enquiry officer found the workman guilty of the charge. As the workman was reluctant to carry out work for several days his wages on those days were denied. As the workman was repeating his misconducts, further enquiry was conducted in respect of the charges alleged against him. He was given full opportunity to participate in the enquiry and accordingly he participated with the assistance of the union leader. The management witness examined were cross examined by the union leader and various documents were marked from the management's side in the presence of the worker and his agent. On the basis of the evidence in the enquiry, the enquiry officer found the workman guilty of the acts of misconduct charged against him. The copy of the enquiry report was duly furnished to the workman and after considering his representation he was found guilty and has been given the punishment. For the several acts of misconduct committed by the workman he deserved the maximum punishment of dismissal. But the disciplinary authority had adopted a lenient view and imposed the punishment of stoppage of 3 increments with cumulative effect. The enquiries conducted against the workman were in accordance with the principles of natural justice and the findings of the enquiry officer are based on evidence on record. As the punishment imposed is not termination from service the quantum of punishment cannot be interfered with by invoking section 11A of the Industrial Disputes Act. So the management prays for passing an award upholding the action taken.

6. Since the imposition of punishment on the workman was pursuant to a domestic enquiry the propriety of the enquiry has to be considered at the first instance. The union had conceded the propriety of the conduct of enquiry thereby the Enquiry File was marked as Ext. M1 with consent.

7. Thus the points arise for determination are :

1. Whether the enquiry conducted in the present case is valid and proper?
2. Whether the finding of the enquiry officer are based on evidence on records?
3. The relief, if any, due to the workman as per the reference?

8. Points 1 & 2 : While considering the above points it has to be referred that the union itself has not much dispute about the propriety in the conduct of enquiry. Though it was stated in the claim statement that the domestic enquiry was violative of the principles of natural justice and fairness. On going through Ext. M1 file it can be seen that there were two enquiries into the charged alleged against the workman. One enquiry was for 2 charges and the second enquiry was for 4 charges. The workman participated in both the enquiries with the assistance of the union leader. The union leader represented the workman in the enquiry and he cross examined the witnesses examined from the management side and it was submitted that the workman has no evidence of his own. The first enquiry was conducted in respect of charge sheet dated 11-10-1993 and the second enquiry was conducted in respect of charge sheets dated 16-5-94, 18-8-94, 1-11-94 and 13-1-95. The first enquiry was conducted by Sri. Mathew T. Umman, Personnel Officer P and I.R. Department, Head Office, Aluva and the second enquiry was conducted by Sri. Prakash C. Chandy, Manager, Administration P and I.R. Department, Federal Bank Limited, Head Office, Aluva. In the second enquiry and witnesses were examined from the management's side as MWs 1 to 8 and about hundred documents were marked from the management's side through management witnesses. 8 documents were directly marked by the enquiry officer with consent of the parties. All the management witnesses were cross examined by the union leader representing the workman. No oral or documentary evidence was adduced by the workman in the enquiry on going through the enquiry proceedings it is evident that time was granted to the workman whenever asked for to enable him for the proper participation in the enquiry. More over as referred earlier there was not much challenge about the propriety of the conduct of enquiry at the trial stage from the union's side. So it can be found that the enquiry conducted in the present case is valid and proper.

9. The main challenge of the union regarding enquiry was that the findings of the enquiry officer are not based

on evidence on record. But on going through the enquiry report it is evident that the findings of the enquiry officer are based on the clear evidence adduced in the enquiry from the management's side which referred earlier that is 8 witnesses examined and more than hundred documents marked. The evidence adduced in the enquiry the findings and the reference of the evidence in the enquiry report clearly show that the findings of the enquiry officer are based on evidence on record. The evidence adduced in the enquiry was more than sufficient to arrive at the conclusions entered by the enquiry officer and there is nothing on record which requires interference by this court. Thus under these points it can be found that the enquiry conducted in the present case was valid and proper and the findings of the enquiry officer are based on evidence on record. Points are answered accordingly.

10. Point No. 3.—On the basis of the enquiry report, the punishment imposed by the disciplinary authority was stoppage of 3 increments with cumulative effect. Since the punishment is not one of discharge or dismissal this court has no authority to interfere with the punishment by invoking Section 11A of the Industrial Disputes Act. Moreover, considering the charges proved and the quantum of punishment imposed it can be found that the disciplinary authority had taken a lenient view in the matter of punishment. In the present case as the enquiry conducted is valid and proper and as the findings of the enquiry officer are based on evidence on record and as the punishment imposed is stoppage of increment Sri M.Y. Joseph, the workman involved in the present case is not entitled to get any relief as per the reference. Point answered accordingly.

In the result, an award is passed finding that the action of the management of M/s. Federal Bank Limited in imposing the punishment of stoppage of 3 increments with cumulative effect on the workman Sri M.Y. Joseph, the Typist-clerk is justified and the workman is not entitled to get any relief as per the reference.

This award will take effect one month after its publication in the Official Gazette.

Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed this the 15th day of December, 2003.

N. THULASI BAI, Presiding Officer

Emakulam.

#### APPENDIX

Witness examined in both sides : Nil

Exhibits marked from the side of the Management :—

Ext. M1—Enquiry file

Exhibits marked on the side of the workman :—Nil

नई दिल्ली, 17 मार्च, 2004

का.आ. 890.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 2/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-2004 को प्राप्त हुआ था।

[ सं. एल-42012/176/91-आईआर(डीयू) ]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th March, 2004

S. O. 890.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/93) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 17-3-2004.

[No. L-42012/176/91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Presiding Officer: S.M.GOEL

Case No. I.D. 2 of 1993

Shri Hari Shanker  
C/o General Secretary,  
BBMB Karamchari Sangh  
30 J, Nangal, District Rohtak .....Applicant

Versus

Chief Engineer, Bhakra Dam,  
BBMB, Nangal Township,  
District Rohtak .....Respondent

#### Appearances :

For the Workman : Shri S.P. Shah

For the Management : Shri R.C. Atri

#### AWARD

Passed on 20-2-2004

Central Govt. vide Notification No. L-42012/176/91-IR(DU) dated 28-12-1992 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Bhakra Dam, BBMB Nangal Township in terminating the services of Shri Hari Shankar w.e.f. 31-5-1989 is justified? If not, what relief the workman concerned is entitled to?"

2. The authorised representative of the workman made the statement that the workman does not want to pursue with the present reference. In view of the same the present reference is returned to the Ministry as withdrawn. Central Govt. be informed.

Chandigarh

20-2-2004

S. M. GOEL, Presiding Officer

नई दिल्ली, 17 मार्च, 2004

का.आ. 891.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 214/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-2004 को प्राप्त हुआ था।

[सं. एल-40012/86/2002-आईआर(डीयू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 17th March, 2004

S.O. 891.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 214/2002) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of D/o Post and their workman, which was received by the Central Government on 17-3-2004.

[No. L-40012/86/2002-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT,  
CHANDIGARH**

Presiding Officer, SHRI S. M. GOEL

Case No. I.D. 214 of 2002

Gita Ram son of Khoto Ram,

C/o R. K. Singh Parmar,

General Secretary,

Pb. INTUC, 211-L Brari,

P.O. Partap Nagar, Ropar

....Applicant

Versus

The Supdt. of Post Office,  
Solani Division, Sapraon (HP)

....Respondent

#### Appearances :

For the Workman : Shri R. K. Singh

For the Management : Shri H.C. Arora

#### AWARD

Passed on 20-2-2004

Central Govt. vide Notification No. L-40012/86/2002-IR(DU) dated 30-9-2002 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Supdt. of Post Office, Solani, in terminating the services of Gita Ram is just and fair? If not, to what relief the workman is entitled and from which date?"

2. The authorised representative of the workman made the statement that the workman does not want to pursue with the present reference. In view of the same the present reference is returned to the Ministry as withdrawn. Central Govt. be informed.

Chandigarh

20-2-2004

S. M. GOEL, Presiding Officer

नई दिल्ली, 17 मार्च, 2004

का.आ. 892.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 4/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-2004 को प्राप्त हुआ था।

[सं. एल-42012/178/91-आईआर(डीयू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 17th March, 2004

S.O. 892.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/93) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 17-3-2004.

[No. L-42012/178/91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT,  
CHANDIGARH**

Presiding Officer, SHRI S.M. GOEL



**Case No. I.D. 4 of 1993**

Ram Dass C/o Shri Sat Pal Shah,  
General Secretary,  
BBMB Karamchhari Sangh,  
30 J. Nangal Township,  
District Ropar.

....Applicant

*Versus*

Chief Engineer, Bhakra Dam,  
BBMB. Nangal Township,  
District Ropar.

....Respondent

**Appearances :**

For the Workman : Shri S.P. Shah  
For the Management : Shri R.C. Atri

**AWARD**

Passed on 20-2-2004

Central Govt. vide Notification No. L-42012/178/91-IR(DU) dated 28-12-1992 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of BBMB Nangal Township in terminating the services of Shri Ram Dass son of Kishan Lal w.e.f. Dec., 1988 is justified? If not, what relief he is entitled to?"

2. The authorised representative of the workman made the statement that the workman does not want to pursue with the present reference. In view of the same the present reference is returned to the Ministry as withdrawn. Central Govt. be informed.

Chandigarh

20-2-2004

S. M. GOEL, Presiding Officer

नई दिल्ली, 17 मार्च, 2004

का.आ. 893.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 93/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-2004 को प्राप्त हुआ था।

[सं. एल-42011/6/94-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 17th March, 2004

S.O. 893.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 93/94) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of BBMB and their workman, which was received by the Central Government on 17-3-2004.

[No. L-42011/6/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT,  
CHANDIGARH**

Presiding Officer, S. M. GOEL

Case No. I.D. 93 of 1994

President,  
Nangal Bhakra Mazdoor Sangh,  
Nangal Township,  
District Ropar.

....Applicant

*Versus*

Chief Engineer, Bhakra Beas  
Management Board,  
Nangal Township,  
District Ropar (Punjab)

....Respondent

**Appearances :**

For the Workman : Shri R. K. Singh  
For the Management : Shri R.C. Atri

**AWARD**

Passed on 20-2-2004

Central Govt. vide Notification No. L-42011/6/94-IR(DU) dated 19-8-1994 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Bhakra Beas Management Board, Nangal Township in not allowing adhoc bonus to daily wages employees for the accounting year 1986-87 and onwards is legal and justified? If not, what relief the concerned workmen are entitled to and from what date?"

2. The authorised representative of the workman made the statement that the workman does not want to pursue with the present reference. In view of the same the present reference is returned to the Ministry as withdrawn. Central Govt. be informed.

Chandigarh

20-2-2004

S. M. GOEL, Presiding Officer

नई दिल्ली, 17 मार्च, 2004

का.आ. 894.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 35/93) को

प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-2004 को प्राप्त हुआ था।

[सं. एल-42012/54/92-आई.आर. (डी.यू.)]  
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 17th March, 2004

**S.O. 894.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 35/93) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 17-3-2004.

[No. L-42012/54/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer  
**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT,  
CHANDIGARH**

Presiding Officer: S.M. GOEL

Case No. I.D. 35 of 1993

Shri Jagat Ram son of Tindu Ram  
C/o House No. 30 J,  
Nangal Township,  
District Ropar.

....Applicant

*Versus*

Chief Engineer, Bhakra Beas  
Management Board,  
Nangal Township,  
District Ropar.

....Respondent

**Appearances :**

For the Workman : Shri S.P. Shah  
For the Management : Shri R.C. Atri

**AWARD**

Passed on 20-2-2004

Central Govt. vide notification No. L-42012/54/92.-I.R. (DU) dated 5-3-1993 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Bhakra Beas Management Board in terminating the services of Shri Jagat Ram son of Tindu Ram, daily rated workman is justified? If not, what relief he is entitled to?"

2. The authorised representative of the workman made the statement that the workman does not want to pursue with the present reference. In view of the same the present reference is returned to the Ministry as withdrawn. Central Govt. be informed.

Chandigarh S. M. GOEL, Presiding Officer  
20-2-2004

नई दिल्ली, 17 मार्च, 2004

**का.आ. 895.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 15/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-2004 को प्राप्त हुआ था।

[सं. एल-42012/50/93-आई.आर. (डी.यू.)]  
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 17th March, 2004

**S.O. 895.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/95) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 17-3-2004.

[No. L-42012/50/93-IR(DU)]

KULDIP RAI VERMA, Desk Officer  
**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT,  
CHANDIGARH**

Presiding Officer, S. M. GOEL

Case No. I.D. 15 of 1995

Shri Satpal Shah, Secretary,  
B.M.B. Karamchari Sangh,  
4/DD, Nangal Township,  
District Ropar (PB.)

....Applicant

*Versus*

Chief Engineer, Bhakra Beas,  
Management Board,  
Nangal Township,  
District Ropar (Punjab)

....Respondent

**Appearances :**

For the Workman : Shri Sat Pal Shah  
For the Management : Shri R.C. Atri

**AWARD**

Passed on 20-2-2004

Central Govt. vide notification No. L-42012/(50)/93-I.R.D.U. dated 16-2-95 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Chief B.B.M.B. Nangal Township in not giving the pay scales to 13 Asstt.

Regulation Zamadars to the pay scales as given to dafties w.e.f. 1-1-78 and on subsequent revision of pay scales is legal and justified? If not, to what relief the concerned workman are entitled & from what date?"

#### List of workmen

S/Shri

1. Vijay Kumar
2. Mohinder Pal
3. Rattan Singh
4. Gumail Singh
5. Chunni Lal
6. Ram Pal
7. Jit Ram
8. Sagli Ram
9. Ram Sarup
10. Tersem Chand
11. Chotu Ram
12. Ram Singh
13. Ram Kishan

2. The authorised representative of the workman made the statement that the workman does not want to pursue with the present reference. In view of the same the present reference is returned to the Ministry as withdrawn. Central Govt. be informed.

Chandigarh

S.M. GOEL, Presiding Officer

20-2-2004

नई दिल्ली, 17 मार्च, 2004

का.आ. 896.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 37/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-2004 को प्राप्त हुआ था।

[सं. एल-42012/53/92-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 17th March, 2004

S. O. 896.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 37/93) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 17-3-2004.

[No. L-42012/53/92-IR(DU)]

KULDIPRAI VERMA, Desk Officer

#### ANNEXURE

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Presiding Officer : S.M. GOEL

Case No. LD. 37 of 1993

Shri Kishan Chand Son of Daya Ram  
C/O.H.N. 30 J,  
Nangal Township,  
District Ropar. (PB.)

....Applicant

*Versus*

Chief Engineer, Bhakra Beas,  
Management Board,  
Nangal Township,  
District Ropar (Punjab)

....Respondent

#### Appearances :

For the Workman : Shri S.P. Shah

For the Management : Shri R.C. Atri

#### AWARD

Passed on 20-2-2004

Central Govt. vide notification No. L-42012/(53)/92-I.R.(DU) dated 5-3-1993 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Bhakra Beas Management Board in terminating the services of Shri Krishan Chand son of Shri Daya Ram daily rated workman is justified? If not, what relief he is entitled to?"

2. The authorised representative of the workman made the statement that the workman does not want to pursue with the present reference. In view of the same the present reference is returned to the Ministry as withdrawn. Central Govt. be informed.

Chandigarh

S. M. GOEL, Presiding Officer

20-2-2004

नई दिल्ली, 17 मार्च, 2004

का.आ. 897.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण बीकानेर के पंचाट (संदर्भ संख्या आई.डी. 4/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-2004 को प्राप्त हुआ था।

[सं. एल-12012/145/95-आई.आर.(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 17th Maarch, 2004

S.O. 897.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 4/2002) of the Industrial Tribunal, Bikaner now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur and their workman, which was received by the Central Government on 17-03-2004.

[No. L-12012/145/95-IR (B.1)]

AJAY KUMAR, Desk Officer

अनुबन्ध

औद्योगिक विवाद अधिकरण, बीकानेर

नं. मु. केन्द्रीय औद्यो. वि. प्रसंग सं. 4

सन् 2002 भंवरलाल सैनी पुत्र

श्री कांशीराम जाति सैनी निवासी

वार्ड नं. 9, तारा नगर, जिला चूरू.

--प्राथी

विरुद्ध

(1) क्षेत्रीय प्रबन्धक, स्टेट बैंक ऑफ  
बीकानेर एण्ड जयपुर क्षेत्रीय  
कार्यालय, बीकानेर

(2) प्रबन्धक, स्टेट बैंक ऑफ बीकानेर  
एण्ड जयपुर, शाखा तारानगर  
जिला चूरू

—अप्रार्थीगण

प्रसंग अन्तर्गत धारा 10(1)(घ), औद्योगिक विवाद  
अधिनियम, 1947 न्यायाधीश - श्री. के. एल. माथुर, आर. एच.  
जे. एस.

उपस्थिति :

1. श्री संतोष कुमार सैनी, श्रमिक प्रतिनिधि, प्राथी श्रमिक के लिये
2. श्री हरेन्द्र कुमार महोबिया, अभिभावक, अप्रार्थीगण के लिये

अधिनिर्णय

दिनांक : 26 अप्रैल, 2003

श्रम मंत्रालय, भारत सरकार ने औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे चलकर केवल अधिनियम कहा जावेगा) की धारा 10(1)(घ) के अन्तर्गत जारी अधिसूचना क्रमांक एल-12012/145/1995-आई.आर. (बी. 1) दिनांक 28 फरवरी, 2002 के द्वारा प्रेषित इस प्रसंग के अन्तर्गत निम्न विवाद अधिनियम इस न्यायालय में भेजा था :

"Whether the action of the management of State Bank of Bikaner & Jaipur, Bikaner is justified in terminating the services of Shri Bhanwarlal sainsi W.e.f 4-6-89? If not, what relief the workman is entitled and from what date?."

2. प्रसंग प्राप्त होने पर प्रकरण दर्ज रजिस्टर किया गया, दोनों पक्षकारों द्वारा अपने-अपने लिखित अभिवचन पेश किये गये हैं। अर्थात्:—प्राथी भंवरलाल सैनी की ओर से प्रस्तुत क्लेम विवरण का जबाब अप्रार्थीगण-नियोजक पक्ष द्वारा दिया गया है।

3. प्राथी भंवरलाल सैनी (जिसे आगे चलकर केवल प्राथी श्रमिक कहा गया है) के द्वारा प्रस्तुत क्लेम विवरण में अंकित तथ्य संक्षेप में इस प्रकार है कि यह रैफ्रेन्स प्राथी को सेवा पृथक् विवाद में माननीय राजस्थान उच्च न्यायालय जोधपुर द्वारा एस.बी. सिविल रिट पीटीशन नं. 1603/1998 में पारित निर्णय दिनांक 22-1-02 की अनुपालना में इस न्यायालय को अधिनिर्णयार्थ भारत सरकार द्वारा भेजा गया है, प्राथी स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर (जिसे आगे चलकर सुविधा के लिये केवल बैंक कहा गया है) के नियोजन में अप्रार्थी सं. 1 के अधीन शाखा तारानगर जिला चूरू में दिनांक 10-12-84 को दैनिक वेतन भोगी के रूप में चपरासी के पद पर नियुक्त हुआ और उसने 4-6-89 तक लगातार कार्यरत रहते हुए एक औद्योगिक कर्मकार हो गया तथा उस दौरान प्राथी के कार्य व सेवा के सम्बन्ध में कभी कोई शिकायत अथवा आरोप नहीं था और उसका कार्य पूर्णतया संतोषप्रद रहा, प्राथी की सेवा अप्रार्थी के संस्थान बैंक तारानगर पर चपरासी के पद पर प्रतिदिन 8 घण्टे से अधिक की रही तथा उसके कार्य की प्रकृति व कार्य शारीरिक श्रम व कोशलपूर्ण कृत्तव्य का होने से एक कर्मकार का रहा है तथा अप्रार्थी संस्थान एक व्यवसायिक संस्था है जिसका मुख्य उद्देश्य लाभ अर्जित करने का होने से बैंकिंग व्यवस्था औद्योगिक संस्थान की रही है अतः प्राथी की सेवा अधिनियम एवम् औद्योगिक विवाद नियम 1957 तथा बैंक प्रबंध तंत्र द्वारा जारी बाईपार्ट सेटलमेण्ट एवं बैंक प्रबंध तंत्र तथा फेडरेशन के मध्य हुए समझौता दिनांक 17-11-87 के अनुसार प्राथी की सेवा कानूनन समाप्त नहीं की जा सकती, प्राथी व अप्रार्थी नियोजक का संबंध मालिक व मजदूर का रहा है तथा प्राथी अप्रार्थी संस्थान में नियमित संवर्ग के कार्य पर नियोजित कर्मकार होने से अपनी सेवावधि के अनुसार नियमित सेवा का लाभ प्राप्त करने का विधिक हकदार हो गया था परन्तु अप्रार्थी द्वारा प्राथी को उसकी सेवा के अनुरूप देय लाभ से वंचित करने की मंशा से उसकी सेवा बतौर छंटनी के समाप्त कर दी। प्राथी की सेवा अप्रार्थी के अधीन स्थाई कार्य पर नियमित संवर्ग के कर्मचारियों के साथ रही तथा प्राथी किसी भी निश्चित अवधि के लिये अथवा किसी भी अस्थायी योजना या अंशकालीन या संविदा पर नियोजित कर्मकार की भी नहीं थी फिर भी प्राथी को सेवा पृथक् करने से पूर्व उस जैसे कार्यरत कर्मकारों की कोई वरियता सूची जारी नहीं की न कार्यालय के नोटिस बोर्ड पर चरखा की गई और न ही भारत सरकार को प्रेषित की गयी, प्राथी को सेवा पृथक् करने के समय प्राथी से कनिष्ठ कर्मकारों को सेवा पृथक् नहीं किया गया जो आज भी अप्रार्थी के नियोजन में रहते हुए नियमित सेवा का लाभ प्राप्त कर चुके हैं, अप्रार्थी संस्थान में प्राथी जैसे 100 से अधिक कर्मकार नियोजित रहे हैं फिर भी प्राथी को सेवा पृथक् करने से पूर्व अधिनियम के तहत कोई नोटिस अथवा निर्धारित मुआवजा तथा छंटनी भत्ता राशि का भुगतान नहीं किया गया और अधिनियम के प्रावधानों का उल्लंघन करते हुए अधिनियम की धारा 2(00) के तहत बतौर छंटनी के समाप्त कर दी

गयी, प्रार्थी की सेवा मात्र उसको नियमित सेवा के लाभ से वंचित करने की संज्ञा से अपने मौखिक आदेश 4-6-89 के बाद दोपहर से समाप्त कर दी और प्रथम आ.ए. आखिर जाए के सिद्धांत की पालना नहीं की गयी, प्रार्थी द्वारा प्रबन्ध तंत्र और ऑल इंडिया स्टेट बैंक स्टाफ फेडरेशन के मध्य हुए समझौता दिनांक 17-11-87 की अनुपालना में आयोजित परीक्षा में भी अपना आवेदन समस्त दस्तावेजात के साथ प्रस्तुत किया जिस पर भी प्रार्थी को जानबूझकर साक्षात्कार के लिये आहूत नहीं किया गया और न ऐसी कोई सूचना ही दी गयी तथा प्रार्थी को सेवा पृथक् करने के पश्चात् सर्वश्री भरतसिंह, सुरेन्द्र, अशोक कुमार, नंदराम, श्याम मीणा, सुरेश धोगी, सोमदत्त, सुरेन्द्रसिंह, प्रदीप परिजन आदि अनेक कर्मकारों को 4-6-89 के बाद नियोजित किया गया है तथा महावीरसिंह, मोहर सिंह व प्रेमकुमार को नई नियुक्ति दी गयी, अप्रार्थी द्वारा सेवा पृथक् करने की दिनांक से ही प्रार्थी बेरोजगार है जिसके सम्बन्ध में नियोजक के समक्ष तुरन्त लिखित व मौखिक निवेदन पर अप्रार्थी द्वारा प्रार्थी को पुनः सेवा में लिये जाने का मौखिक आश्वासन देकर इंतजार में बैठाये रखा और प्रार्थी द्वारा अपनी मांग संघ के माध्यम से भी उठाने पर अप्रार्थी द्वारा कोई निस्तारण नहीं करने पर उसने अपना विवाद सहायक श्रम आयुक्त जयपुर के समक्ष उठाया जिनकी असफल वार्ता प्रतिवेदन पर भारत सरकार द्वारा प्रकरण रैफरेन्स न करने पर प्रार्थी द्वारा उच्च न्यायालय में रिट याचिका सं. 1603/98 प्रस्तुत की गयी जिसमें पारित निर्णय दिनांक 22-2-2002 के बाद यह प्रसंग आया है इसमें जो देरी हुई है वह क्षम्य योग्य रही है तथा मियाद अधिनियम के प्रावधान ऐसे प्रकरण पर लागू ही नहीं होते हैं। अंत में प्रार्थी ने अप्रार्थीगण के नियोजन में सेवा पृथक् करने के दिनांक 4-6-89 से ही सवेतन देय सभी लाभों सहित पुनः बहाल करने की प्रार्थना की गयी है।

4. अप्रार्थी नियोजक पक्ष द्वारा प्रस्तुत जबाब में प्रारंभिक आपत्तियों की गयी है कि प्रार्थी व अप्रार्थी के मध्य नियोजक व नियोजित के सम्बन्ध नहीं हैं न थे प्रार्थी कभी भी अप्रार्थी का कर्मचारी नहीं रहा, प्रार्थी के मामले में औद्योगिक विवाद अधिनियम के प्रावधान लागू नहीं होते, केन्द्रीय सरकार द्वारा प्रेषित रैफरेन्स व क्लेम में बनाये गये पक्षकार भिन्न हैं, प्रार्थी को स्वेच्छा से अलग पक्षकार बनाने का अधिकार प्राप्त नहीं है और क्लेम अनावश्यक पक्षकारों के दोष से ग्रसित है निश्चित अवधि के लिये अल्प अनुबंध पर कार्य करने वाले के मामले में अधिनियम की धारा 25-एफ. जी. एच. तथा राजस्थान औद्योगिक विवाद नियम की धारा 76-77-78 अथवा औद्योगिक विवाद (केन्द्रीय) नियम 76-77-78 लागू नहीं होते हैं और यह विवाद दोषणीय नहीं है। प्रार्थी का मामला औद्योगिक विवाद अधिनियम की धारा 2 (00) (बी.बी.) के परिधि में आता है, प्रार्थी येन-केन प्रकारेण बैंक सेवा में पिछले दरवाजे से प्रवेश करना चाहता है जिसकी इजाजत अधिनियम में नहीं है।

अप्रार्थी ने अपने जबाब में क्लेम में वर्णित तथ्यों को अस्वीकार करते हुए बताया है कि प्रार्थी ने अनुबंध के आधार पर सुरक्षा गार्ड के अंकाश पर जाने के स्थान पर कार्य किया था, प्रार्थी ने 10-12-84 से कार्य नहीं किया है अपितु 11-12-84 से 27-2-1985 तक लीव वेकेन्सी पर निश्चित समय के लिये कार्य किया था जिसका भुगतान उसे कर दिया गया है, यह कहना पूर्णतया गलत है कि प्रार्थी ने दैनिक

श्रमिक के रूप में चपरासी का कार्य किया हो, 17-11-87 का तथाकथित समझौता अप्रार्थी पर लागू नहीं है। अप्रार्थी का जबाब है कि जब प्रार्थी को नियोजित ही नहीं किया गया तो छंटनी करने का प्रश्न ही नहीं होता तथा प्रार्थी को इस तथ्य की पूर्ण जानकारी थी कि जिस अवधि में उसने शाखा में कार्य किया है उस अवधि में वह अकेला ही व्यक्ति था जो उसकी सेवा शर्तों पर अकेला ही रहा था, प्रार्थी का मामला छंटनी का नहीं है, प्रार्थी से कनिष्ठ कोई व्यक्ति शाखा में नहीं था और प्रार्थी ने तथ्यों को तोड़ मरोड़ कर प्रस्तुत किया है जब छंटनी ही नहीं की गयी तो उसके नोटिस अथवा नोटिस वेतन व मुआवजा राशि भुगतान नहीं किया गया कहना अर्थहीन है। प्रार्थी को कभी भी क्षेत्रीय कार्यालय द्वारा नियोजित नहीं किया गया है, क्षेत्रीय कार्यालय द्वारा नियोजित कर्मचारियों का उससे मुकाबला नहीं किया जा सकता, प्रार्थी की नियुक्ति भी कभी भी निर्धारित प्रक्रिया द्वारा नहीं की गयी है और उसका मुकाबला नियोजित समिति द्वारा निर्धारित प्रक्रिया द्वारा किये गये नियुक्तियों से नहीं किया जा सकता, प्रार्थी के प्रकरण में जो उसके द्वारा 10-15 साल की देरी की गयी है वह क्षम्य योग्य नहीं है, विधि का यह सुस्थापित सिद्धांत है कि जहां कोई अवधि निर्धारित नहीं है तो तीन वर्ष को अवधि मानी जावेगी, प्रार्थी ने यह तथ्य भी छुपाया है कि जब नियमित कर्मचारी के लिये तीन वर्ष की अवधि निर्धारित है तो प्रार्थी जैसे व्यक्तियों के लिये यह नहीं कहा जा सकता कि उनके लिये कोई मियाद नहीं है, उसने विगत एक वर्ष में 240 दिन पूर्ण नहीं किये हैं। प्रार्थी ने निश्चित अतिरिक्त कार्य के लिये शाखा तारानगर में अल्पावधि के लिये अल्प कार्य के लिये दिनांक 16-6-88, 18-6-88 व 20-6-88 से 25-6-88 की अवधि में 9 दिन स्ट्रेटमेंट रिकार्ड सही करने का कार्य किया है जबकि उसे 14-7-88 से 16-7-88 व 3-8-88 से 10-8-88 कुल 11 दिन लॉकर रूम में सफाई व रिकार्ड व्यवस्थित करने के लिये कार्य किया है, 7-2-89 से 8-2-89 तक लॉकर रूम में सफाई हेतु अल्प अवधि में कार्य किया है और इसी प्रकार 3-6-89 को एक दिन लाकर रूम में सफाई के लिये कार्य किया है इस प्रकार शाखा रिकार्ड के अनुसार प्रार्थी ने विगत एक वर्ष में मात्र 23 दिन कार्य किया है जिससे उसको कोई अधिकार प्राप्त नहीं हुआ है, प्रार्थी के मामले में 25-एफ. जी. एच. के प्रावधान सुसंगत नहीं है, प्रार्थी का विवाद लेवेज के आधार पर भी पोषणीय नहीं है। पूरे स्ट्रेटमेंट में क्लेम में प्रार्थी ने यह नहीं लिखा है कि उसने दो अप्रार्थी क्यों पक्षकार बताया है ना ही उसने यह लिखा है कि किस अप्रार्थी ने किस प्रकार प्रार्थी को नियोजित किया था, अप्रार्थी सं. 2 शाखा प्रबन्धक को प्रार्थी के नियोजन का अधिकार नहीं था ना ही अप्रार्थी सं. 1 क्षेत्रीय प्रबंधक द्वारा प्रार्थी को नियोजित किया गया किसी भी अप्रार्थी ने दिनांक 4-6-89 को प्रार्थी को सेवामुक्त नहीं किया, प्रार्थी ने यह तथ्य छुपाया है कि वह अन्यत्र अधिक लाभप्रद नियोजन में चला गया था इसलिए समझौता अधिकारी के समक्ष तत्काल कथित सेवा मुक्ति दिनांक 4-6-89 को विवाद नहीं उठाया वह कोई अनुतोष प्राप्त करने का अधिकारी नहीं है, कथित 18-11-87 का सेटलमेंट भी प्रार्थी को कोई लाभ प्रदान नहीं कर सकता और यह प्रार्थी पर प्रभावी नहीं है तथा 17-11-87 का मेमोरेण्डम अप्रार्थी बैंक के मामले में लागू नहीं है, प्रार्थी ने अपने क्लेम में अपनी स्वयं की शैक्षणिक योग्यता व आयु का उल्लेख नहीं किया है और ना ही प्रथम बार कार्य प्रारम्भ करने

के समय ही बतलाई। बैंक द्वारा जारी परिपत्र सं. पी/रि/टैम्प/6 दिनांक 22-10-89 द्वारा 90 दिन या अधिक समय तक अस्थाई कर्मचारी के रूप में कार्य करने वालों को बैंक सेवा में स्थाई रूप से अंतर्लपन हेतु एक बारगी अवसर प्रदान किया गया था जिसके लिये राज्य तथा राष्ट्र स्तरीय समाचार पत्रों में सूचना प्रकाशित की गयी थी परन्तु प्रार्थी भंवर सेनी ने उस अवसर का उपयोग नहीं किया, स्वयं प्रार्थी द्वारा आवेदन समय में प्रस्तुत नहीं करने या योग्यता नहीं रखने पर वह कोई अधिकार हेतु न्यायालय से कहने से एस्टोप्ड है, प्रार्थी स्वयं की गलती का आरोप अप्रार्थी पर लगाना चाहता है वह कोई अनुतोष प्राप्त करने का अधिकारी नहीं है; केन्द्रीय सरकार द्वारा प्रेषित विवाद की टर्मस दोषपूर्ण है और विवाद वर्तमान रूप में पोषणीय नहीं है, प्रार्थी ने निर्धारित अवधि में कोई प्रार्थना पत्र प्रस्तुत नहीं किया क्योंकि उसे ज्ञान था कि वह नियोजन के लिए योग्य नहीं है मोहर सिंह व महावीरसिंह का मुकाबला प्रार्थी से नहीं हो सकता क्योंकि वे मृत कर्मचारी का आश्रित होने के कारण नियमों के अन्तर्गत नियोजित हुए थे। अन्य सभी तथ्यों को अस्वीकार करते हुए यह भी अंकित किया है कि प्रार्थी कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

5. पक्षकारों द्वारा अपने-अपने पक्ष समर्थन में साक्ष्य पेश की है प्रार्थी पक्ष को साक्ष्य में स्वयं श्रमिक भंवरलाल सेनी ने अपना शपथपत्र प्रस्तुत किया है जिसके खंडन में अप्रार्थी पक्ष की ओर से जे.पी. मथूरिया एवं भीमसेन तोमर के शपथपत्र प्रस्तुत किये गये हैं। एक दूसरे पक्ष के साक्षी से पक्षकारों द्वारा जिरह की गयी है और प्रलेखीय साक्ष्य भी पेश हुई है।

6. विद्वान पक्षकारों की बहस सुनी गयी और पत्रावली का अवलोकन किया गया। हमारे समक्ष लंबित इस प्रसंग के निस्तरण के लिये प्रमुख रूप से विचारणीय प्रश्न यह है कि क्या प्रार्थी भंवरलाल सेनी को 4-6-89 से अप्रार्थी बैंक के प्रबंधन द्वारा सेवामुक्त करना उचित एवं वैध है यदि नहीं तो श्रमिक क्या राहत व राशि प्राप्त करने का अधिकारी है।

इस बिन्दु को सिद्ध करने का भार प्रार्थी पक्ष पर था। यहां यह उल्लेख करना समीचीन होगा कि नियोजक से रिकार्ड तलब करवाने संबंधित श्रमिक पक्ष के प्रार्थना पत्र दिनांक 5-7-2002 के संबंध में कुछ रिकार्ड स्वयं श्रमिक द्वारा प्रस्तुत किया गया है एवं न्यायालय के आदेश से पूर्व ही कुछ रिकार्ड अप्रार्थीगण द्वारा प्रस्तुत किया गया है परन्तु श्रमिक के प्रार्थनापत्र में वर्णित कोई भी रिकार्ड या रिकार्ड न होने बावत शपथपत्र नियोजक द्वारा प्रस्तुत नहीं किया गया है।

7. प्रार्थी श्रमिक भंवरलाल ने अपने शपथपत्र में क्लेम के तथ्यों की पुनरावृत्ति करते हुए अपनी नियुक्ति अप्रार्थीगण के नियोजन में अप्रार्थी सं. 1 के अधीन शाखा तारागढ़ पर दिनांक 10-12-84 को दैनिक वेतन भोगी चपरासी के पद पर होनी एवं सेवा से पृथक करने की तिथि 4-6-89 तक लगातार नियमित एवं स्थाई प्रकृति के कार्य पर नियोजित रहना बताया, श्रमिक के अनुसार उसकी ड्यूटी 8 घंटे की थी तथा उसकी सेवा ड्यूटी के बारे में अप्रार्थी सं. 2 के आदेश प्रदर्श डब्ल्यू 1 व 2 है तथा सेवा के संबंध में दिया गया प्रमाणपत्र प्रदर्श डब्ल्यू 3 है।

अप्रार्थी संस्थान एक व्यापारिक बैंकिंग संस्था है जिसका व्यवसाय व कारोबार लाभ अर्जित करने का होते हुए एक औद्योगिक संस्था रही है तथा प्रार्थी व अप्रार्थी के संबंध मजदूर व मालिक के रहे हैं, प्रार्थी की सेवाएं अप्रार्थी गण के अधीन किसी भी अस्थाई योजना या अनुबंध पर अथवा अंशकालीन कर्मकार बतौर नहीं रही बल्कि प्रार्थी की सेवायें स्थाई प्रकृति के कार्य की रही है, अप्रार्थी सं. 1 के निर्देश पर अप्रार्थी सं. 2 के मौखिक आदेश 4-6-89 को बाद दोपहर से बतौर छंटनी सेवायें समाप्त कर दी गयी और ऐसा करने से पूर्व प्रार्थी को कोई नोटिस अथवा नोटिस वेतन एवं छंटनी मुआवजा का भुगतान नहीं किया गया, प्रार्थी के साथ एवं बाद में नियोजित कर्मकारों की वरिष्ठता सूची प्रकाशित नहीं की गयी, प्रार्थी को सेवा से पृथक करने के पश्चात् अप्रार्थीगण द्वारा अनेक नये कर्मकारों को नियोजित किया गया एवं प्रार्थी के साथ एवं बाद में नियोजित कर्मकारों को सेवा में रखा गया, प्रार्थी की सेवा समाप्ति करने के पश्चात् महावीर सिंह पुत्र समुन्द्रसिंह, मोहरसिंह पुत्र दीपाराम व प्रेमकुमार पुत्र चंपाराम आदि को नियोजित किया गया जो आज भी कार्यरत चले आ रहे हैं जबकि प्रार्थी नियोजन के लिये तत्पर था फिर भी उसे नियोजन के लिये आहूत नहीं किया गया। केन्द्रीय सरकार व श्रम मंत्रालय के समक्ष प्रबंधतंत्र एवं आल इंडिया स्टेट बैंक स्टाफ फेडरेशन के मध्य दिनांक 17-11-87 को हुए समझौते एवं द्विपक्षीय समझौते पर संघ द्वारा दिये गये पत्र प्रदर्श डब्ल्यू 4 की पालना में प्रार्थी ने अपना आवेदन सम्यक् दस्तावेजों सहित अप्रार्थीगण व प्रधान कार्यालय को प्रस्तुत किया जो प्रदर्श डब्ल्यू 5 है इसके उपरान्त भी प्रार्थी को नियोजन से वंचित रखा गया। प्रार्थी की सेवायें बतौर छंटनी समाप्त करने पर प्रार्थी ने अप्रार्थी सं. 1 को प्रत्यावेदन एवं विभागीय संघ के माध्यम से मांग उठाई जिस पर प्रार्थी को आश्वासन देकर इंतजार में रखा और बाद में इन्कार करने पर सहायक श्रम आयुक्त केन्द्रीय अजमेर के यहां शिकायत प्रस्तुत की वहां से यह प्रकरण प्रदर्श डब्ल्यू 6 के द्वारा जयपुर कार्यालय में प्रेषित किया गया और समझौता कार्यवाही के बाद असफल वार्ता प्रतिवेदन प्रदर्श डब्ल्यू 7 श्रम मंत्रालय भारत सरकार को भेजा गया, प्रार्थी का प्रकरण रेफरेंस आदेश न करने पर प्रार्थी द्वारा माननीय उच्च न्यायालय जोधपुर में रिट याचिका प्रस्तुत की गयी जिसके आदेश प्रदर्श डब्ल्यू 8 की पालना में प्रार्थी को प्रकरण में रेफरेंस प्रदर्श डब्ल्यू 9 प्रेषित किया गया अप्रार्थी सं. 2 की बैंक शाखा अप्रार्थी सं. 1 के अधीन है एवं उस जैसे अन्य कर्मकार जिनकी सेवा बैंक नियोजन में कुल 90 दिन की रही है उन्हें नियमित सेवा का लाभ अप्रार्थी द्वारा दिया गया एवं समझौता कार्यवाही के प्रावधानों के अनुसार उस जैसे अन्य कर्मकार जिनकी सेवायें मात्र 30 दिन की किसी भी बैंक शाखा में रही है को भी अप्रार्थी द्वारा नियमित सेवा का लाभ दिया गया है परन्तु प्रार्थी को उक्त लाभ से जानबूझकर वंचित रखा गया है अप्रार्थीगण की यह कार्यवाही श्रम विरोधी नीति है। अप्रार्थीगण के नियोजन में नियुक्ति के समय प्रार्थी मिडल उतीर्ण था एवं उसने अपने अनुभव आदि का विवरण प्रदर्श डब्ल्यू 10 के क्रम में प्रस्तुत किया जिसके अनुसार अप्रार्थीगण के अधीन 90 दिन से अधिक तथा एक कलेन्डर वर्ष में 240 दिन से अधिक नियमित रूप से स्थाई प्रकृति के कार्य पर बतौर चपरासी नियोजित रहने के आधार पर प्रार्थी उक्त पद पर नियमित नियुक्ति व नियोजन का अधिकारी रहा है।



अप्रार्थी सं. 1 द्वारा 6-11-85 को जारी परिपत्र एवं 23-4-87 की सूचना की जानकारी प्रार्थी को नहीं दी गयी एवं प्रार्थी की सेवा का समस्त रिकार्ड अप्रार्थीगण के कब्जे में होते हुए भी प्रार्थी को उक्त सूचना व परिपत्र की पालना में कोई सूचना नहीं दी गयी और न सार्वजनिक तौर पर था या करवाया गया और प्रार्थी को नियोजन के लिए आहूत नहीं किया गया तथा उसके आवेदन पत्र पर कोई विचार नहीं किया। प्रार्थी की सेवा अवधि का कार्य एवं कनिष्ठ कर्मकारों तथा प्रार्थी को सेवा पृथक् करने के पश्चात् अप्रार्थी द्वारा दी गयी नई नियुक्तियों का विवरण एवं मूल अभिलेख अप्रार्थीगण के कब्जे व अधिकार में होते हुए भी अधिकरण के समक्ष प्रस्तुत नहीं किया है, प्रार्थी की सेवा किसी निश्चित अवधि अथवा संविदा पर अथवा अंशकालिक कर्मकार तथा अस्थायी कार्य के बतौर नहीं रही तथा प्रार्थी की सेवायें अप्रार्थीगण के अधीन स्थाई प्रकृति के कार्य पर बतौर कर्मकार की रही हैं एवम् प्रार्थी का मुख्य नियोक्ता अप्रार्थी सं. 1 होते हुए अप्रार्थी सं. 2 के अधीन प्रार्थी की ड्यूटी बतौर कर्मकार रही है और अपनी सेवा समाप्ति पर प्रार्थी ने सम्यक अभ्यावेदन अप्रार्थीगण व उच्चाधिकारियों को प्रेषित किये हैं जिसकी बैंक की रसीद प्रदर्श डब्ल्यू 11 से 21 है। प्रार्थी सेवा समाप्ति के समय से ही बेरोजगार है जिससे उसका पारिवारिक जीवन संकट से गिर गया है एवम् जीवन यापन के लिये वह कर्जदार हो गया है। गवाह ने प्रतिपरीक्षण में बताया कि वह हिन्दी जानता है अंग्रेजी नहीं जानता है, उसने प्रदर्श डब्ल्यू 1 से प्रदर्श डब्ल्यू 3 प्रमाणपत्र के अलावा भी 10-12-84 से 4-6-89 तक काम किया है। सन् 1984 से 86 तक श्री संपतचन्द राखेवा तथा श्री कुलहरी मैनेजर रहे एवम् सन् 88 से 89 तक श्री पुखराज आचार्य मैनेजर रहे। स्टेट बैंक आफ इंडिया की अलग यूनियन नहीं है बल्कि स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर की ही है। मुझे पता नहीं कि प्रदर्श डब्ल्यू 10 अलग यूनियन और अलग बैंक की हो, सभी बैंकों की एक ही यूनियन है। मुझे पता नहीं कि 90 दिन लगातार काम करने वाले कर्मकारों को बैंक ने काम पर रख लिया हो मैंने तो 90 दिन से अधिक काम किया है और पुनः नियोजन हेतु 1987 में निवेदन किया था। प्रदर्श एम-1 प्रार्थना पत्र मैंने सन् 1994 में दिया था, महावीरसिंह को मृतक आश्रित के आधार पर रखने का मुझे पता नहीं है। यह कहना गलत है कि मोहरसिंह की नियुक्ति तारानगर बैंक में नहीं हुई हो बल्कि वह 15-5-2001 से तारानगर में पदस्थापित है। यह कहना गलत है कि मैंने 1985 के बाद दो बैंक ऑफ राजस्थान लि. एवम् मस्थर क्षेत्रीय ग्रामीण बैंक में काम किया हो। यह कहना गलत है कि मुझे बैंक आफ राजस्थान द्वारा काम से निकालने पर राजस्थान बैंक यूनियन का सदस्य बनने के लिये आवेदन किया हो। यूनियन का सदस्य बनने की शुल्क मांगने का पत्र प्रदर्श डब्ल्यू 4 है। विज्ञप्ति प्रदर्श एम-3 मैंने नहीं देखी तथा महावीर सिंह के नियुक्ति पत्र प्रदर्श डब्ल्यू 2 की मुझे जानकारी नहीं है, प्रेमकुमार की नियुक्ति तिथि का मुझे पता नहीं है। मुझे ध्यान नहीं है कि सन् 1985 में निकालने के बाद 16-6-88 से 18-6-88 व 20-6-88 से 25-6-88 तक स्टेशनरी का काम करवाया हो, दिनांक 14-7-88 से 16-7-88, व 3-8-88 से 10-8-88 तक कुल 11 दिन लोकर रूम में सफाई व 7-2-89 से 8-2-89 व 3-6-89 को लोकर रूम में काम किया हो। मैंने तो बैंक में लगातार काम किया है। प्रार्थनापत्र प्रदर्श एम-1 के अलावा मैंने कोई प्रार्थनापत्र बैंक में नियुक्ति बाबत नहीं दिया।

8. इसी सम्बन्ध में नियोजक के साक्षी जे. पी. मथूरिया शाखा प्रबन्धक स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर, तारानगर का बतलाना है कि भंवरलाल सेनी ने हमारी शाखा में आकस्मिक कार्य के लिये समय पर प्राथमिकता के आधार पर निश्चित अवधि में ही कार्य किया है, एक वर्ष में लगातार 90 दिन कार्य नहीं किया है और न ही अंतिम वर्ष में 240 दिन काम किया है। बैंक में नियुक्ति हेतु शाखा प्रबन्धक सक्षम नहीं है, प्रधान कार्यालय ही नियुक्ति व पदस्थापन करता है। भंवरलाल ने हमारी बैंक में नियमानुसार एक वर्ष में लगातार कार्य नहीं किया है एवम् वांछित योग्यता नहीं होने के कारण उसने निश्चित अवधि में आवेदन नहीं दिया था, महावीरसिंह की समुद्रसिंह का आश्रित होने के कारण अनुकंपा के आधार पर बैंक ने प्रदर्श एम-2 के द्वारा नियुक्ति दी थी, मोहरसिंह व प्रेमकुमार हमारी शाखा में कार्यरत नहीं हैं। मोहर सिंह पूर्व में रामगढ़ शाखा में कार्यरत था जिसको मृत कर्मचारी के आश्रित रूप में रखा था। भरतसिंह, सुरेन्द्र, अशोक कुमार, नंदराज, श्याम, सुरेश धोबी, सोमदत्त व सुरेन्द्रसिंह और प्रदीप ने हमारे यहां कार्य नहीं किया। हमारी शाखा छोटी शाखा है जिसमें 100 व्यक्ति कभी कार्यरत नहीं रहे। भंवरलाल ने हमारी शाखा रिकार्ड के अनुसार 1-10-84 एक दिन, 11-12-84 से 27-2-85 तक 79 दिन, 18-9-85 से 20-9-85 तक 3 दिन, 1-11-85 से 9-11-85 तक 9 दिन 17-11-85 से 29-11-85 तक 13-दिन, 30-11-85 से 22-12-85 तक 23 दिन, 10-6-88 से 18-6-88 20-6-88 से 25-6-88 तक 9 दिन, 14-7-88 से 16-7-88 एक, 3-8-88 से 10-8-88 तक 11 दिन, 7 व 8 फरवरी 89 2 फरवरी 89 जून 89 एक दिन कार्य किया है। गवाह ने प्रतिपरीक्षण में वर्ष 84 से 89 तक इस शाखा में नहीं था, भंवरलाल को कार्य में भुगतान करते थे। बैंक में 30 दिन काम करने वाले को नियुक्त करने के आदेश नहीं थे। जुलाई 89 में काम करने वालों की कोई लिस्ट नहीं बनाई। श्रमिक को नियमित नियुक्ति नहीं दी थी इसलिय नोटिस की आवश्यकता नहीं थी। श्रमिक के काम के सम्बन्ध में कोई संविदा नहीं हुई थी। श्रमिक का पूर्णकालिक कार्य नहीं था।

इसी सम्बन्ध में नियोजक एक अन्य साक्षी भीमसेन तोमर का बतलाना है कि बैंक में अधीनस्थों के लिये भारत सरकार के दिशा निर्देशानुसार भर्ती की एक निश्चित प्रक्रिया है एवम् चयन समिति द्वारा चयन किया जाता है, इस प्रक्रिया को अपनाए बिना बैंक में नियुक्ति नहीं दी जा सकती, शाखा प्रबन्धक को अधिनिस्थ सेवा में नियुक्ति का अधिकार प्राप्त नहीं है। वर्ष 87 में सभी भूतपूर्व कर्मचारियों को बैंक सेवा में अन्तर्लयन हेतु एक बारगी अवसर प्रदान करने के प्रयोजन से आवेदन आमंत्रित किये गये, प्रमुख समाचार पत्रों में सूचना प्रकाशित की गयी जिसकी प्रति बैंक की सभी शाखाओं के नोटिस बोर्ड पर टांगी गयी एवम् सभी भूतपूर्व कर्मचारियों से दिनांक 15-6-87 तक आवेदन आमंत्रित किये गये थे, प्रार्थी यदि बैंक सेवा में आने का इच्छुक होता तो अपना आवेदन बैंक में अवश्य भेजता परन्तु उसने ऐसा नहीं किया। बैंक द्वारा इस सम्बन्ध में जारी परिपत्र दिनांक 23-4-87 है एवम् अखबार में प्रकाशित सूचना की प्रति संलग्न है। इसके बाद जिन व्यक्तियों ने बैंकों में अस्थायी कर्मचारी के रूप में कार्य किया था उनके मामले में भारत सरकार ने विचार करके एक बारगी अवसर प्रदान करने के सम्बन्ध में प्रदर्श एम-5 दिशा निर्देश सभी बैंकों को भेजे जिसके अनुसार 1-1-82

के पश्चात् 90 दिन या अधिक समय तक अस्थायी रूप से काम करने वाले अस्थायी कर्मचारियों से आवेदन पत्र आमंत्रित किये गये थे एवम् अप्रार्थी द्वारा दैनिक अखबार में विज्ञापित प्रसारित की गयी थी एवम् आवेदन पत्र 5-11-90 तक भेजने थे, निर्धारित अवधि में जिन व्यक्तियों ने आवेदन प्रस्तुत किये उन पर विचार किया गया एवम् आवश्यकता अनुसार नियुक्ति दी गयी जो परिपत्र एवम् आवेदन का प्रफोर्मा निर्धारित किया गया वह प्रदर्श एम-5 है जिसे नोटिस बोर्ड पर लगाया गया और अखबार में भी दिया गया था। भंवरलाल सैनी ने 5-11-90 तक बैंक को कोई आवेदन पत्र नहीं दिया था, स्टेट बैंक ऑफ इंडिया एवम् ऑल इंडिया स्टेट बैंक आफ इंडिया स्टाफ फेडरेशन के मध्य हुआ समझौता प्रदर्श डब्ल्यू-10 हमारी बैंक से सम्बन्धित नहीं है तथा यह हमारी बैंक व कर्मचारियों पर लागू नहीं है। भंवरलाल सैनी ने प्रथम बार बैंक में नियोजन हेतु आवेदन दिया था वह 23-5-1994 को दिया था जो एक बारिय अवसर की अवधि समाप्त होने के पश्चात् प्राप्त हुआ था। गवाह ने प्रतिपरीक्षण में बताया कि मैं तारा नगर में कभी नहीं रहा, भंवरलाल ने अस्थायी रूप से निश्चित अवधि के लिये काम किया है, दैनिक वेतन वाले कर्मचारों की वरिष्ठता सूची बनाने का पता नहीं है इनकी उपस्थिति दर्ज नहीं करते। कार्य होने पर भुगतान कर देते। नियुक्ति पत्र में निश्चित अवधि लिखी होती है वह पूरी होते ही स्वतः ही नियुक्ति समाप्त हो जाती है।

9. प्रार्थी के विद्वान प्रतिनिधि का तर्क है कि प्रार्थी ने अप्रार्थीगण के नियोजन में 10-12-84 से 4-6-89 तक लगातार 8 घण्टे प्रतिदिन स्थाई पद पर निरन्तर कार्य किया है, प्रार्थी का नियोजन संविदा आधारित या अंशकालीन नहीं था इसके उपरान्त भी 4-6-89 को प्रार्थी की सेवायें बतौर छंटनी समाप्त करते समय प्रार्थी को औद्योगिक विवाद अधिनियम के प्रावधानों के अनुसार नोटिस अथवा नोटिस अवधि का वेतन एवम् छंटनी मुआयजा नहीं दिया गया, औद्योगिक विवाद नियम, 1957 के नियम, 77-78 की पालना नहीं की गयी, प्रार्थी की सेवा समाप्त करने के पश्चात् नयी नियुक्तियां की गयी हैं जिसे स्वयं नियोजक ने भी स्वीकार किया है। ऐसी सूरत में नई नियुक्तियां करते समय प्रार्थी को भी धारा 25-एच. के अन्तर्गत आहूत किया जाना चाहिये था परन्तु प्रार्थी को नियुक्ति हेतु आहूत नहीं किया गया है जबकि नियोजक के पास प्रदर्श डब्ल्यू-1, 2, 3, 4, 5, 7 सभी में प्रार्थी का पूरा डाक का पता उपलब्ध था, जब अप्रार्थीगण के पास रिक्त पद उपलब्ध थे तो अप्रार्थीगण ने यह नहीं बताया है कि उन्होंने स्वयं के जवाब के अनुसार डब्ल्यू.एल.आर. 1991 (एस) सुप्रीमकोर्ट पृष्ठ-1; श्रीमती संतोष कुमारी व अन्य विरुद्ध पंजाब राज्य व अन्य के निर्णय में प्रतिपादित सिद्धान्त के अनुसार प्रार्थी को निश्चित अवधि की नियुक्ति क्यों दी। विद्वान प्रतिनिधि श्रमिक ने आगे तर्क दिया कि नियोजक का यह कथन बलहीन व सारहीन है कि चूंकि श्रमिक ने 240 दिन का कार्य पूरा नहीं किया था इसलिये पुनः नियुक्ति हेतु उसे अलग से आहूत नहीं किया गया क्योंकि आर. एल. आर. 1991(2) पृष्ठ 691 में सूर्य प्रकाश शर्मा विरुद्ध राजस्थान पाठ्य पुस्तक मण्डल जयपुर व अन्य के निर्णय में माननीय राजस्थान उच्च न्यायालय द्वारा यह सिद्धान्त प्रतिपादित किया गया है कि औद्योगिक विवाद अधिनियम, 1947 की धारा 25-एफ, जी, एस स्वतंत्र प्रावधान है तथा धारा 25-जी एवम् 25-एच. धारा 25-एफ पर आश्रित नहीं है, यदि श्रमिक ने 240 दिन की सेवा पूरी नहीं की है तो भी उसको सेवा समाप्ति

के पश्चात् नई नियुक्तियां करते समय आहूत किया जाना चाहिये केवल मात्र समाचार पत्र में विज्ञापित प्रसारित करने से धारा 25-एच. की पालना नहीं होती है क्योंकि नियोजक पक्ष के पास प्रार्थी का डाक का पता उपलब्ध था अतः प्रार्थी को डाक के पते पर सूचित करते हुए नई नियुक्ति के लिये आहूत किया जाना चाहिये था जो नहीं किया गया है। स्टेट बैंक ऑफ इंडिया एवम् स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर दोनों का सुझाव एक ही अधिनियम के अन्तर्गत किया गया है अतः राजीनाम प्रदर्श-डब्ल्यू-10 दिनांक 17-11-87 की भी पालना करते हुए प्रार्थी को नई नियुक्ति के लिये आहूत किया जाना चाहिये, 90 दिन की सेवा पूर्ण करने वाले व्यक्ति को भी प्रदर्श-डब्ल्यू-10 के अनुसार ही पुनः नियुक्त किया जाता है। विद्वान प्रतिनिधि का आगे तर्क है कि एक ओर तो नियोजक पक्ष यह कहता है कि उन्होंने श्रमिक को नियुक्त ही नहीं किया और दूसरी ओर अपने जवाब में नियोजक पक्ष ने स्वीकार किया है कि श्रमिक ने अनुबन्ध के आधार पर कार्य किया है कथित अनुबन्ध भी न्यायालय में प्रस्तुत नहीं किया गया है अतः इससे नियोजन के अनुबन्ध की स्थिति की भी पुष्टि नहीं होती है परन्तु यह आवश्यक है कि नियोजक ने स्पष्ट शब्दों में श्रमिक को नियोजित करना अवश्य स्वीकार किया है। श्रमिक के नियोजन के सम्बन्ध में अप्रार्थीगण द्वारा किसी प्रकार का कोई रिकार्ड न्यायालय में प्रस्तुत नहीं किया है, श्रमिक ने न्यायालय में एक प्रार्थना पत्र प्रस्तुत करके स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर शाखा तारा नगर का 10/84 से 6/89 तक का उपस्थिति रजिस्टर बरिष्ठता सूची एवम् सेवा समाप्ति के पूर्व दिया गया नोटिस प्रस्तुत करवाने का निवेदन किया था, इस प्रार्थना पत्र के पश्चात् नियोजक पक्ष द्वारा कुछ रिकार्ड प्रस्तुत किया गया है परन्तु श्रमिक के इस प्रार्थनापत्र में वर्णित कोई भी रिकार्ड प्रस्तुत नहीं किया है यह तथ्य नियोजक है विरुद्ध प्रतिकूल अवधारणा कारित करने को माध्यम करता है क्योंकि विधि का यह सर्वमान्य सिद्धान्त है कि यदि कोई पक्ष कुछ रिकार्ड प्रस्तुत करता है तो उसे न्यायालय के समक्ष सच्चाई को प्रस्तुत करने के लिये पूरा रिकार्ड प्रस्तुत करना चाहिये जो नियोजक पक्ष ने नहीं किया है। प्रार्थी श्रमिक का अप्रार्थीगण के नियोजन में कार्य करना नियोजक के साक्षी जे. पी. मथुरिया ने अपने शपथपत्र की पद सं. 8 में वर्णित किया है परन्तु इसकी पुष्टि में भी किसी प्रकार का कोई रिकार्ड प्रस्तुत नहीं किया है, वह रिकार्ड प्रस्तुत होने से यह स्पष्ट हो जाता कि श्रमिक ने नियोजक के अधीन लगातार कार्य किया है एवम् वह नियोजन अनुबंध आधारित या अंशकालीन नहीं था। जहां तक संविदा आधारित नियोजन का प्रश्न है, नियोजक के साक्षी जे. पी. मथुरिया ने स्वीकार किया है कि श्रमिक के काम के सम्बन्ध में कोई संविदा नहीं हुई थी एवम् श्रमिक का पूर्ण कालिक नियोजन नहीं थी एवम् जुलाई 89 में काम करने वालों की कोई सूची नहीं बनाई जबकि गवाह जे. पी. मथुरिया ने स्वीकार किया है कि शपथपत्र में वर्णित अनुसार श्रमिक ने कार्य किया है ऐसी सूरत में यह सिद्ध करने का भार नियोजक पक्ष पर था कि उसने संविदा के आधार पर या अंशकालीन या एवजी कर्मचारी के रूप में काम किया है परन्तु नियोजक पक्ष इस भार को सिद्ध नहीं कर सके। विद्वान प्रतिनिधि श्रमिक ने अपने तर्क के समर्थन में एस. सी. टी. 1999 (2) पृष्ठ 600 में सखि हरियाणा राज्य विद्युत मण्डल विरुद्ध सुरेश के प्रकरण में माननीय उच्चतम न्यायालय द्वारा प्रतिपादित सिद्धान्त का उल्लेख करते हुए तर्क दिया कि



श्रमिक के नियोजन को संविदा या अंशकालीन नाम के छद्म आवरण को हटाकर ही परीक्षित किया जाना चाहिये क्योंकि संविदा या अंशकालीन नियुक्ति की पुष्टि किसी भी प्रमाण से नहीं होती है। यदि एक क्षण के लिये यह मान भी लिया जावे कि श्रमिक ने अनुबंध पर कार्य किया था तो भी आर. एल. डब्ल्यू 2001 (2) राज. पृष्ठ 981 में माननीय राजस्थान उच्च न्यायालय द्वारा प्रतिपादित सिद्धान्त के अनुसार औद्योगिक विवाद अधिनियम की धारा 2 (घ) के अनुसार ऐसा व्यक्ति भी कर्मकार होता है जो धारा 25-एफ एवम् जी, के अन्तर्गत परिलाभ प्राप्त करने का अधिकारी होता है। पक्षकारों की इच्छा से यह तथ्य भली प्रकार सुस्थापित है कि प्रार्थी की सेवा समाप्ति के पश्चात् अप्रार्थीगण द्वारा नई नियुक्तियों की गयी थीं जिसे स्वयं नियोजकगण ने भी स्वीकार किया है। ऐसी सूरत में माननीय राजस्थान उच्च न्यायालय द्वारा एस. बी. सिविल रिट पिटीशन नं. 3292/2001 निर्णय दिनांक 28-8-2001 एवम् डी. बी. सिविल स्पेशल अपील नं. 812/2001 निर्णय दिनांक 11-10-2001 में प्रतिपादित सिद्धान्त के अनुसार प्रार्थी को पुनः नियुक्ति हेतु आहूत करना चाहिये था। विद्वान प्रतिनिधि श्रमिक का आगे तर्क है कि श्रमिक ने यह विवाद प्रस्तुत करने में कोई देरी नहीं की है और श्रमिक द्वारा माननीय उच्च न्यायालय में रिट याचिका भी प्रस्तुत की गयी थी एवम् ए.आई.आर. 1999 सुप्रीम कोर्ट 1351 में अजायबसिंह बनाम सरहिन्द को-आपरेटिव मार्केटिंग क्रम-प्रोसेसिंग सर्विस सोसायटी लि० व अन्य के मामले में माननीय उच्चतम न्यायालय द्वारा प्रतिपादित सिद्धान्त के अनुसार इस आधार पर प्रार्थी का क्लेम खारिज नहीं किया जा सकता। इस प्रकार विद्वान प्रतिनिधि श्रमिक ने तर्क दिया कि अप्रार्थीगण द्वारा की गयी श्रमिक की सेवामुक्ति पूर्णरूप से अनुचित एवम् अवैध है अतः प्रार्थी अप्रार्थीगण के नियोजन में सवेतन सेवा में समस्त लाभों सहित पुनः बहाल होने का अधिकारी है।

प्रत्युत्तर में, विद्वान अभिभावक नियोजक पक्ष का तर्क है कि प्रार्थी की सेवामुक्ति प्रसंग के अनुसार 4-6-89 की है जबकि श्रमिक द्वारा श्रम विभाग में प्रस्तुत परिवाद प्रदर्श डब्ल्यू 6 जनवरी 95 का है जो जाहिर करता है कि करीब 6 वर्ष तक प्रार्थी निष्क्रिय बैठा रहा एवम् इस देरी का कोई स्पष्टीकरण नहीं दिया है अतः इस आधार पर प्रार्थी का क्लेम स्वीकार किये जाने योग्य नहीं है। प्रदर्श डब्ल्यू 1 व डब्ल्यू 2 के अनुसार प्रार्थी श्रमिक को विशिष्ट प्रयोजनार्थ नियुक्त किया गया था जो प्रयोजन समाप्त होते ही प्रार्थी श्रमिक का नियोजन स्वतः ही समाप्त हो जाता है अतः इस आधार पर प्रार्थी श्रमिक को कोई अधिकार नहीं मिलता है। अप्रार्थीगण द्वारा आवश्यक रिकार्ड न्यायालय में प्रस्तुत किया गया है। स्टेट बैंक ऑफ इंडिया के साथ किया गया समझौता स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर पर लागू नहीं होता है। प्रार्थी श्रमिक की सेवायें समाप्त करने के पश्चात् नई नियुक्तियां नहीं की गयी थीं, महावीरसिंह की नियुक्ति मृत कर्मचारी के आश्रित के रूप में की गयी थी जिसकी पुष्टि प्रदर्श एम.2 एवम् गवाह जे.पी. मथुरिया के बयान से होती है। प्रार्थी ने यह नहीं बताया है कि कथित तौर पर उसकी सेवा समाप्ति करते समय उससे किस कनिष्ठ कर्मचारी को सेवा में रखा गया तथा उससे वरिष्ठ कर्मचारी कौन था अतः इन हालात में यह नहीं कहा जा सकता कि अप्रार्थीगण द्वारा औद्योगिक विवाद नियम की धारा

77-78 का उल्लंघन किया गया। प्रार्थी राजस्थान बैंक एम्प्लॉय यूनियन से सम्बन्धित है जिसकी पुष्टि प्रदर्श डब्ल्यू 4 से होती है एवम् इस यूनियन का स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर की यूनियन से कोई सम्बन्ध नहीं है। अप्रार्थीगण ने नई नियुक्तियों के लिये अखबार में विज्ञापन दिया था जो प्रदर्श एम-3 है इसके साथ आवेदन का प्रारूप भी शाखा किया गया था परन्तु इसके प्रत्युत्तर में पुनः नियोजन हेतु प्रार्थी ने आवेदन नहीं किया अतः ऐसी सूरत में प्रार्थी धारा 25-जी का लाभ प्राप्त करने का अधिकारी नहीं है। दिनांक 1-1-82 के पश्चात् 90 दिन कार्य करने वालों को अखबार में सूचना के माध्यम से आहूत किया गया था परन्तु प्रार्थी उपस्थित नहीं हुआ, प्रार्थी ने रिकार्ड के अनुसार कथित सेवामुक्ति के पूर्व एक वर्ष में केवल 23 दिन कार्य किया है एवम् बैंक में शाखा प्रबन्धक चपरसी की नियुक्ति करने में अधिकृत नहीं है। अप्रार्थीगण के विद्वान अभिभावक ने अपने तर्क के समर्थन में 2002 (ii) सी.एल.आर. 1043 में गिरधर गोपाल सैनी विरुद्ध औद्योगिक न्यायाधिकरण व अन्य के प्रकरण में माननीय राजस्थान उच्च न्यायालय, 2001 (ii) सी.एल.आर. 88 में बी.पी. दास गुप्ता-विरुद्ध वायुसेना प्रमुख एवम् अन्य के प्रकरण में माननीय दिल्ली उच्च न्यायालय द्वारा, ए.आई.आर. 1996 सुप्रीम कोर्ट 332 में मोरिण्डा को-आपरेटिव सूगर मिल्स लि० विरुद्ध रामकिशन व अन्य के प्रकरण में माननीय उच्चतम न्यायालय द्वारा, 2000(i) सी.एल.आर. 901 में नरेन्द्रसिंह सोलंकी विरुद्ध रा एण्ड फिनिशिंग प्रोडक्शन व अन्य के प्रकरण में माननीय राजस्थान उच्च न्यायालय द्वारा, ए.आई.आर. 2002 सुप्रीम कोर्ट 1147 में रैंज फोरेट आफिसर विरुद्ध एस.डी. हदीमनी के प्रकरण में माननीय उच्चतम न्यायालय द्वारा, 2000(iii) सी.एल.आर. 315 में एल.आई.सी. आफ इंडिया व अन्य विरुद्ध ज्योतिषचन्द्र बिरसस के प्रकरण में माननीय उच्चतम न्यायालय द्वारा प्रतिपादित सिद्धान्त को उल्लेख करते हुए तर्क दिया कि प्रार्थी ने अप्रार्थीगण के अधीन अपने नियोजन प्रमाणित नहीं किया है तथा प्रार्थी देरी से आया है एवम् उसकी सेवा परीक्षित अवधि के लिये थी, जो अवधि समाप्त होते ही स्वतः समाप्त हो गयी थी अतः प्रार्थी कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

10. विद्वान पक्षकारों द्वारा प्रस्तुत की गई विवेचना एवम् पञ्चपत्नी के अवलोकन से इस देखते हैं कि डब्ल्यू.एल.आर. 1991(एस) सुप्रीम कोर्ट-पृष्ठ-1 में प्रतिपादित सिद्धान्त के अनुसार नियोजक पक्ष यह नहीं बता सका है कि जब उनके पास पूर्ण कर्मचारी नियोजन उपलब्ध था जिसके लिये प्रार्थी की सेवामुक्ति के पश्चात् विज्ञापित भी प्रसारित की गयी थी तो फिर प्रार्थी को प्रदर्श डब्ल्यू. 1 व 2 के अनुसार निश्चित अवधि के लिये क्यों नियुक्त किया गया, प्रार्थी के साथ किया गया कोई अनुबंध न्यायालय में प्रस्तुत नहीं हुआ है। प्रार्थी का सेवाकाल तो नियोजक ने प्रत्येक माह में कुछ दिनों का बताते हुए अपने जवाब में एवम् सपक्षपत्र में स्वीकार किया है परन्तु इसकी पुष्टि में किसी प्रकार का कोई दस्तावेज या उचित रजिस्टर प्रस्तुत नहीं किया है। एस.सी.टी. 1991(2) पृष्ठ 660 में माननीय उच्चतम न्यायालय द्वारा प्रतिपादित सिद्धान्त के अनुसार प्रार्थी का नियोजन अंशकालीन या संविदा आधारित नहीं पाया जाता है ऐसी सूरत में जबकि आर.एल.डब्ल्यू 2001(ii) राज. पृष्ठ 981 के अनुसार प्रार्थी एक औद्योगिक कर्मकार है उसकी सेवायें

समाप्त करने से पूर्व उसको नोटिस दिया जाना चाहिये था एवम् आर.एल.आर. 1991(ii) पृष्ठ 691 के अनुसार माननीय राजस्थान उच्च न्यायालय द्वारा प्रतिपादित सिद्धान्त के अनुसार पुनर्नियुक्ती के समय प्रार्थी को आहूत करना चाहिये था और जबकि अप्रार्थीगण के पास प्रदर्श डब्लू. 1-2-3-4-5-7 के अनुसार श्रमिक का पूरा डाक का पता उपलब्ध था। समाचार पत्रों में विज्ञापित प्रकाशित करना पर्याप्त नहीं है जब प्रार्थी श्रमिक का पूरा पता अप्रार्थीगण के पास उपलब्ध था तो प्रार्थी को उस पते के द्वारा पुनः नियुक्ति हेतु आहूत किया जाना चाहिये था जो नहीं किया गया है। प्रार्थी ने विवाद प्रस्तुत करने में कोई देरी नहीं की है, नियोजक पक्ष ने सम्पूर्ण रिकार्ड प्रस्तुत करके स्वयं द्वारा बतलाई गई प्रार्थी के नियोजन की प्रकृति को प्रमाणित नहीं किया है अतः ऐसी मूल में अप्रार्थीगण द्वारा दिनांक 4-6-89 से की गई प्रार्थी की सेवामुक्ति पूर्ण रूप से अनुचित एवम् अवैध है प्रार्थी संवेतन सेवा में निरन्तरता के लाभ सहित अप्रार्थीगण के नियोजन में पुनः नियोजित होने का अधिकारी है। चूंकि प्रार्थी ने 4-6-89 से अवार्ड तिथि तक अप्रार्थीगण के अधीन कोई कार्य नहीं किया है अतः वह इस अवधि का वेतन प्राप्त करने का अधिकारी नहीं है परन्तु इस अवधि में भुगत गये परेशानियों को देखते हुए प्रार्थी 2500/- रु० बतौर प्रतिकर पाने का अधिकारी है एवम् अवार्ड प्रकाशन से प्रार्थी पुनः बहाल होने तक की अवधि का पूरा वेतन भी पाने का अधिकारी है।

11. अतः भारत सरकार द्वारा प्रेषित इस प्रसंग को उत्तमि करत हुए यह पंचाट इस प्रकार से पारित किया जाता है कि प्रार्थी श्रमिक भंवरलाल सैनी की अप्रार्थीगण द्वारा 4-6-89 से की गई सेवामुक्ति पूर्ण रूप से अनुचित एवम् अवैध है, प्रार्थी संवेतन सेवा में निरन्तरता के लाभ सहित अप्रार्थीगण के नियोजन में पुनः नियोजित होने का अधिकारी है। चूंकि प्रार्थी ने 4-6-89 से अवार्ड तिथि तक अप्रार्थीगण के अधीन कोई कार्य नहीं किया है अतः वह इस अवधि का वेतन प्राप्त करने का अधिकारी नहीं है परन्तु इस अवधि में भुगती गयी परेशानियों को देखते हुए प्रार्थी 2500/- रु० बतौर प्रतिकर पाने का अधिकारी है एवम् अवार्ड प्रकाशन से प्रार्थी पुनः बहाल होने तक की अवधि का पूरा वेतन भी पाने का अधिकारी है।

12. आज आज दिनांक 26-4-2003 को विवृत न्यायालय में सुनाई गई।

के.एल. माथुर, न्यायाधीश

नई दिल्ली, 18 मार्च, 2004

का. आ. 898.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/ पटना के पंचाट संदर्भ संख्या 16(C)2003 को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-2004 को प्राप्त हुआ था।

[सं. एल-12011/212/2001-आई आर (बी. II)]

सी. गंगधरन, अवर सचिव

New Delhi, the 18th March, 2004

S.O. 898.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 16(C)/2001 of the Industrial Tribunal PATNA (BIHAR) as shown in the Annexure, in the Industrial Dispute between the management of Central Bank of India and their workmen received by the Central Government on 17-03-2004.

[No. L-12011/212/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL PATNA

Reference No. 16C of 2003

Management of Central Bank of India, the Zonal Manger, Zonal Office, Maurya Lok Complex, B-Block, Patna and their workman represented by the Deputy General Secretary, Bihar Provincial Central Bank of India Employees Association, C/o. Central Bank of India, B.O. Moradpur, Patna (Bihar)

For the Management : Mr. Mithilesh Choudhary, Manager (PRS).

For the Workman : Sri B. Prasad, General Secretary.

Present : Priya Saran, Presiding Officer, Industrial Tribunal, Patna.

#### AWARD

The 5th day of March, 2004

By the adjudication order No. L-12011/212/2001 IR(B-II) dated 16-05-2002 the Government of India, Ministry of Labour, New Delhi has referred, under Clause (d) of Sub-section (1) and Sub-section (2K) of Section 10 of the Industrial Dispute Act, 1947 (hereinafter to be referred to as 'the Act') the following dispute between the management of Central Bank of India, Zonal Office, Maurya Lok Complex, B-Block, Patna and their workman Sri Raj Kishore Prasad Sinha for adjudication to this Tribunal:

"Whether the action of the management of Central Bank of India in dismissing the services of Shri Raj Kishore Prasad Sinha is legal or justified? If not, what relief the workman is entitled to?"

2. Both the parties submitted their written statement and contested the reference. They have also examined one witness each besides putting some documentary evidence in support of their respective claims.

3. According to the worker Sri Raj Kishore Prasad Sinha, he was appointed as a Peon in Central Bank of India in the year 1970. After being promoted in the Clerical Cadre in 1977, he was posted at Budha Marg Branch, Patna as Clerk-cum-Cashier. He worked in Cash and Accounts Department of the Bank as per rotational chart. His services was utilised in sorting of currency notes. The worker was issued a memo dated 16-12-92 (Ext.M/6) with regard to his involvement in acceptance of mutilated/defective notes mixed in large number with soiled notes. Subsequently, the management issued him a charge-sheet dated 4-2-93 (Ext.M/11 and W/2) contemplating a domestic enquiry in the above matter. While domestic enquiry was pending an F.I.R. (Ext.W/3) u/s. 120B, 420/467, 471-IPC and 5 and 13 P.C. Act was lodged with the CBI against the workman and several others in the concerned matter. It may be noted that the CBI after investigation submitted chargesheet (Ext.W/4) in the above case against some of the accused persons while showing the worker alongwith one Pahari Ram "not sent up" column, as on sufficient evidence was available regarding their complicity in the crime. The Department enquiry however was completed and the Enquiry Officer, held various charges proved against the worker. The Disciplinary Authority held the findings of the Enquiry Officer and proposed the punishment of stoppage of one increment for charge no. 1 and "Dismissal without notice" on charge No.2 and 3 and directed the worker to appear before him for personal hearing within 7 days after receipt of the memo. It is stated in written statement that the workman attempted to meet the Disciplinary Authority on 2/3 occasions but in vain. At last, he submitted an application for time on 11-2-95. The worker further filed a Title Suit No.24/95 in the Court of Sub-Judge, Patna on 13-2-95. The management, however, passed the order of dismissal against the workman on 14-2-95. The written statement further speak that following an order of Hon'ble High Court, Patna in CWJC No. 1243/96, the workman preferred an appeal before the Appellate Authority which was disposed of on 31-7-97 with no relief to him. His Mercy Appeal before the Chairman-cum-Managing Director of Central Bank of India was also turned down. On the submission of final form by the CBI the worker was discharged by the court of Special Judge, CBI, South Bihar, Patna. The worker then approached the management for his reinstatement but to no avail. Thereafter, the dispute was espoused through union as per provisions of Industrial Disputes Act, before the Assistant Labour Commissioner, (Central) Patna. When the conciliation proceeding ended in failure, the Reference was made to this Tribunal by the appropriate Govt. to decide whether the action of the management of Central Bank of India dismissing the services of the worker was legal or justified and if not, to what relief he is entitled.

4. The action of the management in dismissing the worker has been challenged as saying that the order of dismissal is perverse, suffers from unfairness and impropriety that the Disciplinary Authority acted with closed and biased mind, that he did not care for the provisions of Bipartite Settlement, that he did not provide the workman an opportunity to submit his reply and the principles of natural justice were not cared-for. The workman accordingly has prayed for holding the dismissal order illegal and unjustified and also for his reinstatement with back wages and consequential reliefs.

5. The management has registered the claim of worker on various grounds stating, in short, in the written statement that the worker was given full opportunity to defend himself at every stage conforming with the rules of natural justice. The Enquiry Officer submitted his report on 7-2-94. The worker was given opportunity to make his submission thereon. The Disciplinary Authority after considering the materials on record and also worker's submissions, found various charges proved against the worker and accordingly proposed stoppage of increment for charge no.1 and dismissal without notice for remaining two charges. Since the worker did not file any show cause on the proposed penalty nor appeared in person, a final order by the management was passed on 14-2-95, awarding the cumulative penalty of "dismissal without notice". It is further stated in written statement that the Title Suit no.24/95 filed by the worker was later dismissed as withdrawn on 15-10-96. It is further said in written statement that the CBI did not send up the worker for trial for insufficiency of evidence, but the standard of proof desired in a original proceeding is entirely different from that of a departmental proceeding, which has been established in worker's case. The Appeal and the Mercy Appeal both preferred by the workman against his punishment were also turned down after due consideration.

### FINDINGS

6. The simple point for my consideration in view of rival claims is whether the impugned order of dismissal together with punishment inflicted upon the worker is legal and justified, and if not, to what relief he is entitled?

7. The worker Sri Raj Kishore Prasad Sinha had been working as a Clerk-cum-Cashier in the Budha Road, Patna branch of the Central Bank of India. His services were utilised in sorting of currency notes. When some remittances of the Branch concerned were refused acceptance by Reserve Bank of India, the matter received attention of higher officials and finding the worker guilty of violating the provisions of various rules and circulars with relation to sorting and preparing note packets, the management issued him a memo dated 16-9-92 (Ext.M/6).

The worker submitted an undated reply (Ext. M/7) to the above memo, pleading his innocence in the matter. His reply was, however, found un-satisfactory. He was then issued another memo dated 16-12-92 (Ext. M/8) Thereby completing a Disciplinary enquiry against him. The worker again filed an undated show cause (Ext. M/10) to the above memo, again pleading his innocence and specifically stating that he did everything according to his officer's orders. His explanation was again found unsatisfactory by the management followed by a charge sheet dated 4-2-93 (Ext. M/11), levelling various charges under three heads, which are as follows:—

(1) Shri R.K.P. Sinha did not segregate (i) issuable (ii) non-issuable and (iii) defective notes while preparing note packets/bundles of different denominations of Budh Marg Branch, in violation of the prescribed norms, rules and procedures. He was thus grossly negligent in performance of his duties, consequent upon which the remittance dated 26-10-89 of the Currency Chest, Frazer Road Branch was returned back by Reserve Bank of India, Patna on 19-7-90 due to a large number of unduly out/mutilated, defective notes in soiled Note packets involving total Rs. 79.20 lacs (Rupees Seventy nine lacs twenty thousand), out of which Rs. 55 lacs 63 thousand in the under noted denominations pertained to Budh Marg branch:—

Denomination	No. of pieces	Amount
Rs. 20/-	1,08,000/-	Rs. 21,60,000/-
Rs. 10/-	3,40,300/-	Rs. 34,03,000/-

The aforesaid gross negligence on the part of Shri Sinha has involved the Bank in serious loss.

(2) Shri Sinha deliberately violated the norms and procedures for preparing Note Packets, by not putting his full signature and full date on the Note Packets, constituting significant portion of the aforesaid remittance dated 26-10-89 to R.B.I., Patna, subsequently returned as aforesaid.

(3) Shri Sinha indulged himself in fraudulent exchange of a large number of defective notes, as also in complicity with Shri Anil Kumar Sinha, previously Chief Cashier, Currency Chest, Frazer Road branch, Patna, now sub-accountant, Yarpur branch, with malafide intention to defraud the Bank and derive pecuniary gains through the unwarranted exchange of large number of defective notes.

8. The Enquiry Officer held the worker guilty on all three charges. The Disciplinary Authority in agreement with the findings of Enquiry Officer, proposed certain

punishments namely stoppage of increment for the violation of charge No. 1 and dismissal without notice for other two charges. The worker was directed to appear before the Disciplinary Authority within 7 days. It has been submitted by the worker in the written statement and also in his evidence as WW1, that he went to meet the Disciplinary Authority on 2 or 3 occasions and when failed, he filed an application for time but no order was passed thereon. He then filed Title Suit in the court of Sub-Judge, Patna on 13-2-95. The management, however, passed an order of workman's dismissal on 14-2-95. The workman filed an Appeal before the Appellate Authority and also a Mercy appeal before the Chairman-cum-Managing Director but both of them were rejected. It may also be noted that when the CBI submitted final form in the Criminal Case (Ext. W/4) and the Special Sub-Judge, CBI, Patna discharged the worker vide order dated 2-1-96 (Ext. W/8), the worker filed an application (Ext. W/9) dated 10-2-96 to the Zonal Manager, Central Bank of India, Patna for his reinstatement, which, however, was not heeded to. When every attempt of the worker failed to procure his reinstatement, he challenged the action of the management through Industrial Dispute.

9. Photo copies of the [redacted] registered with the CBI (Ext. W/3), the charge sheet in the case (Ext. W/4), proposed punishment by the Disciplinary Authority (Ext. W/5), the time petition filed by the worker dated 11-2-95 before the Disciplinary Authority (Ext. W/6), order of "dismissal without notice" passed by the Regional Manager on 14-2-95 (Ext. W/7), submission of the worker before the Disciplinary Authority (Ext. W/10), the order of Appellate Authority (W/11), order on Mercy Appeal (Ext. W/12), and communication thereof (Ext. W/13) have been filed on behalf of worker. The management has also filed several documents. Relevant ones for the purpose of this case shall be discussed at appropriate place.

10. Charge No. 1 against the worker says that he did not segregate (i) issuable (ii) non-issuable (iii) defective Notes while preparing note packets in violation of the prescribed norms, rules and procedures. He was thus grossly negligent in performance of his duties resulting in returning back of the remittance dated 26-2-89 by Reserve Bank of India, Patna, due to a large number of unduly cut mutilated defective notes in soiled notes packets involving total Rs. 79.20 lacs, out of which 55.63 lacs pertained to Budha Marg Branch, where the worker was posted. Charge No. 2 says that the worker deliberately violated the norms and procedures for preparing note packets by not putting his full signature and full dates on the note packets, which were consequently returned by Reserve Bank of India.

11. Aforesaid two charges appear to be quite analogous and interlinked with each other. They are hence taken up together for appreciation. The management has

filed photo copy of Circular dated 16-2-1981 (Ext.M/12) laying down procedure regarding counting, recounting and preparation of note packets. This Circular ordains that at branch level all notes should be sorted out properly into issuable and non-issuable packets of 100 pieces each. The circular further orders that a slip shall also be enclosed on each packet with the signature of the person concerned, and the responsibility of the employee will continue uninterrupted till such time the note packets are finally disposed of. At the time of argument my attention was drawn towards the manual of instruction of the cash department, which provides that the notes should be properly sorted into (i) issuable and non-issuable notes, (ii) cut/mutilated notes should not be included in issuable packets (iii) issuable/soiled mutilated notes are to be sorted, stitched and bundled, separately (iv) non-exchangeable notes should not be included in the packets of the issuable notes, (v) notes of various denominations are to be sorted and packed according to size of notes and (vi) cash packet must bear the exact pieces of notes without any excess or shortage.

12. Aforesaid rules regarding sorting and counting of notes are to be followed strictly at the branch level while preparing note bundles. The documents filed by the management clearly suggest that several note bundles were returned back by the Reserve Bank of India involving a sum of Rs. 79.20 lacs out of which 55 lacs 63 thousand in various denominations of Rs. 10/- and Rs. 20/- pertained to worker's branch. This fact is not in dispute.

13. MW1 Sri D.P. Sinha was the Enquiry Officer who conducted enquiry into charges against the worker. He says that he allowed the worker twice to change his defence representative. He also provided him chance to adduce evidence and produce documents. He was given chance to cross-examine management's witnesses. The worker submitted his oral statement before him. He examined Sri D.K. Das, the then Branch Manager, Frazer Road, Patna since concerned remittances were returned by Reserve Bank of India in his time. His evidence shows that the worker was afforded full opportunity to defend himself and there has been no violation of natural justice. The witness further says that Note Refund Rules had not been followed in relation to the note packets which had been returned by the Reserve Bank of India. He conducted random examination of note packets in presence of the worker and the representatives of both the sides on 22-5-93 and 23-7-93 and prepared his report (Ext.M/1 and M/2). There were initials of [redacted] on some notes. He accepted for consideration only those note packets which were admittedly bearing the initials of the delinquent. Majority of the notes were not acceptable under Note Refund Rules. The worker was a entirely responsible in relation to those

note packets which were bearing his initials. His enquiry report [redacted] the worker guilty of all the charges is Ext.M/1. In cross examination, he has categorically [redacted] not take those note packets into his consideration whereupon initials were disputed by the worker. The evidence coupled with various documents clearly suggest that the enquiry was conducted into various charges without any prejudice or bias. The worker as WW1 has too accepted in paragraph 11 of his examination that he used to put his initials on note packets. He further admits in paragraph 13 that on some of the note packets examined under random inspection, his initials were there. In paragraph 17 he clearly admits that Disciplinary Authority had no prejudices against him. The evidence thus adduced by the worker as well does not suggest that there had, been any sort of misconduct or violation of natural justice in the matter of enquiry against the worker. His claim that no time was allowed to him by Disciplinary Authority on his petition dated 11-2-95 as he had no papers with him to make his submissions, can not be accepted in view of the fact that he filed Title Suit before Sub-Judge, Patna just two days thereafter as is apparent from paragraph 16 of his evidence. The facts lead to simple inference that the worker did not avail opportunity of hearing or making submissions before the Disciplinary Authority.

14. It reveals from the evidence on record that notes worth Rs. 55 lacs 63 thousand of Budh Marg Branch of Central Bank of India were returned back by Reserve Bank of India, Patna, since those had not been sorted properly and contained defective notes. The evidence further suggests that the worker did not properly segregate the notes in various categories as required under Rules. He violated the prescribed norms, rules and procedure and he had been grossly negligent in his duties, which led to the return of remittance by Reserve Bank of India, Patna owing to a large number of cut, mutilated and defective notes in soiled note packets. The evidence further establishes that the worker violated the norms and procedure for preparing note packets by not putting his full signature and full date on the note bundles.

15. It was submitted at the time of argument that only a few note bundles were found with worker's initials and thus he can held guilty for the entire remittance. The evidence on record suggests that the Enquiry Officer made only random examination of few note bundles, out of which some were admittedly having the initials of the worker. It was really not possible for the Enquiry Officer to examine each bundle because of time and other constraints. The Enquiry Officer rightly applied the course of random examination. The worker's argument that he can not be held guilty for the entire remittance does not hold good since he has been admittedly negligent and guilty in not



conforming to the rules, norms and procedure fairly large number of notes. He can not escape of having flouted various provisions regarding bundling the notes.

16. It was next argued on worker's behalf that signature includes initials as well and he had been putting his initials on the note packets as like other Cashiers. This argument does not hold good in view of clear cut rule and circular ordaining full signature with date and the year on note packets. This caution is perhaps given in the rule so that the person responsible for preparing note bundle may be easily identified and accessed in case of any necessity.

17. The discussion aforesaid and the materials on record thus lead us to only conclusion that charges no. (i) and (ii) have been established against the worker beyond every shadow of doubt. He has been thoroughly guilty under charges no. (i) and (ii) both, since he did not take any care to segregate various notes as desired by the norms and rules of the Bank and further, he deliberately did not put his full signature and full date on the note packets. The evidence further establishment that on account of worker's gross-negligence, the remittance dated 26-10-89 was returned back by Reserve Bank of India, Patna there by putting the Bank to huge loss.

18. As regards charge No. (iii) regarding worker's complicity with on Sri Anil Kumar Sinha in indulging himself in fraudulent exchange of defective notes for pecuniary gains I would outright say that there is no evidence worth the name on record to establish this charge. MWI does not even whisper on this point. Nor, any document has been produced by the management to establish this charge. The finding of the Enquiry Officer on this point can not be accepted or endorsed by this Court and accordingly, the punishment awarded under this head can not be maintained. The charge no. (iii) thus fails and punishment under this head is unjustified and illegal.

19. We have already come to the conclusion that charges no. (i) and (ii) are fully established against the worker. We would hence come as to what punishment would be appropriate under these heads.

20. An argument was placed on behalf of worker that he should be exonerated of the charges in view of final from submitted by the CBI (Ext. W/4) and the order of the Special Judge CBI, Patna (Ext. W/8) whereby he was discharged by the Court. In support of his argument Supreme Court decisions (1999)3 SCC 679 and (1991) 2SCC 335 were placed before me saying that the punishment awarded to concerned workers were quashed when they were acquitted by the Court in related criminal cases. These decisions are not applicable in the facts and circumstances

of the present Reference. In those cases before the Hon'ble Apex Court, the workers had been acquitted after full pressed trial, whereas in the case before us the CBI did not send the worker up for trial in view of insufficiency of evidence. The worker's argument further does not carry any force in view of the fact that the standard of proof in a criminal proceeding is not at all the same as is required in a Civil or Departmental proceeding.

21. It was next argued that in similarly situated circumstances, one Pahari Ram approached this Tribunal vide Ref. No. 109/97 and No. 5C/98 and the punishment of dismissal inflicted upon him was upset by this Court while moderating the same to that of stoppage of increment for three years, and likewise, the worker's dismissal should accordingly be set aside and punishment modified. I do not at all agree with this contention advanced, by the worker for the simple reason that it is not the case of first dismissal against him as was with Pahari Ram. Though the charges against Pahari Ram were identical as appears from charge sheet Ext. W/1, but there was not complaint against him for any misconduct on any previous occasion. The case of the worker Sri Raj Kishore Prasad Sinha is altogether different from that of Pahari Ram and both can not equated with each other. The worker Raj Kishore Prasad Sinha for some misconduct had once been discussed from service on some previous occasion which has been admitted by him in evidence. The management appears to have showered sympathy on him and gave a second thought and dismissal order was revoked. The management reinstated him and took him back in service. The worker in spite of all above, did not perhaps attempt to mend himself, instead carried on without caring for rules and norms of the Bank consequent upon which the remittance of several lacs of rupees was returned back by the Reserve Bank of India thereby putting the Bank to immense loss. Sir Raj Kishore Prasad Sinha appears to be an indisciplined worker, and habitual reckless in not caring for the norms, rules and guidelines of the Bank. All these facts have to be taken in account while awarding punishment.

22. In the circumstances aforesaid, judging the case from every angle and gravity of charges and also the conduct of the worker, I am of considered opinion that he does not deserve re-tention in service anymore. I do not find any impropriety or illegality in the punishment of "dismissal without notice" inflicted upon the worker and no sort of interference is required thereto. This reference is answered in terms aforesaid.

23. Award accordingly.

Dictated & corrected by me.

PRIYA SARAN, Presiding Officer

नई दिल्ली, 17 मार्च, 2004

का. आ. 899.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जे. एम. सी. माईनिंग एण्ड क्वारिज़ लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में प्रथम न्यायालय अहमदाबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-2004 को प्राप्त हुआ था।

[सं. एल-29012/137/2001-आई.आर.(एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th March, 2004

S.O. 899.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Ahmedabad as shown in the Annexure, in the Industrial Dispute between the employees in relation to the management of JMC Mining and Quarries Ltd. and their workman, which was received by the Central Government on 17-03-2004.

[No. L-29012/137/2001-IR (M)]

B. M. DAVID, Under Secy.

**ANNEXURE****BEFORE SHRI Y. P. BHATT, INDUSTRIAL TRIBUNAL (GUJARAT) NADIAD**

Reference (LT.C.) No. 8/2002

**Adjudication between**

M/s. JMC Mining and Quarries Ltd.  
Sonipur, Taluka-Thasara,  
Dist. Kheda

...First Party

**AND**

Shri Dashrathbhai R. Bhoi,  
C/o Akhil Gujarat Genl. Mazdoor Sangh,  
2nd Floor, Arab Chambers,  
Opp. Petrol Pump, Pattharkuva,  
Relief Road,  
Ahmedabad  
Gujarat-380001.

...Second Party

In the matter of setting aside of the action of terminating the services of Shri Dhsarathbhai R. Bhoi.

**APPEARANCES:**

Shri Atul S. Vyas, Advocate for the First party  
Shri V. K. Kazi, Representative for the Second party.

**AWARD**

1. Under Secretary, Ministry of Labour, Government of India, New Delhi vide No. L-29012/137/2001 IR(M) dt. 17-6-2002 has referred this dispute to this Tribunal for adjudication under section 2(A) of Section 10 of the I.D. Act. Demand of the workman in Reference ITN No. 8/2002 is as under:

“Whether the action of the management of JMC Mining Quarries Ltd. Sonipur Dist. Kheda in terminating the services of Shri Dashrathbhai

R. Bhoi w.e.f. 15-07-2001 is legal, proper and justified? If not, to what relief the concerned workman is entitled to?”

2. During the course of the adjudication proceeding the parties have amicably settled the above dispute and filed a pursis of settlement vide Ex. 16. The parties and their learned representatives were present. Shri Kazi for the workman and Shri Vyas for the first party company. The concerned workman and the Manager of the first party were also present. They produced and admitted this settlement before me. The workman has foregone his right to reinstatement and has accepted a cheque of Rs. 20,000/- in full and final settlement towards his dues from the first party company. The workman concerned and the manager in presence of their learned representatives have admitted the settlement to be voluntary. It appears to me that the settlement is just and fair and hence recorded. An award be passed in terms of the settlement. The copies of this settlement shall form part of the award.

**ORDER**

- \* This reference case to be disposed of in terms of the settlement Ex. 16 which shall form part of this award.
- \* There is no orders as to costs.

Y. P. BHATT, Industrial Tribunal

**OTHER THAN HINDI AND ENGLISH LANGUAGE**

नई दिल्ली, 19 मार्च, 2004

का. आ. 900.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ. सी. आई. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पुणे (संदर्भ संख्या 33/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-2004 को प्राप्त हुआ था।

[सं. एल-220 24/2001-आई.आर. (एम-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 19th March, 2004

S.O. 900.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 33/2002 of the Industrial Tribunal, Pune (Maharashtra) as shown in the Annexure, in the Industrial Dispute between the management of Food Corporation of India; and their workman, received by the Central Government on 18-03-2004.

[No. L-22012/324/2001-IR (CM-II)]

N. P. KESAVAN, Desk Officer

**ANNEXURE****BEFORE SHRI J. L. DESHPANDE : INDUSTRIAL TRIBUNAL : PUNE**

Reference (IT) No. 33 of 2002

Between

Food Corporation of India,  
Koregaon Park, Pune,  
Pune (Maharashtra)—4 : 1001

...First Party

AND

Their workmen.

...Second Party

In the matter of : Reference over the dispute pertaining to : "Whether the demand of the FCI Executive Staff Union, Pune, that the employees concerned who have been placed in selection grade retrospective during the period 1989-2001, as per the policy are—entitled for the payment of the arrears of overtime from the date of their placement in the selection grade is legal and justified? If yes, to what relief they are entitled to?"

APPEARANCES: Smt. B. M. Kadam, Hon : Assistant to the Government Pleader, for the first party Food Corporation.

Shri D. P. Dange, Regional Vice-President, FCI Executive Staff Union, for the second party workmen.

#### AWARD

14th January, 2004

(Dictated in open Court on 14th January, 2004)

1. This is a Reference under Section 10(1) (d) and 2A of the Industrial Disputes Act, 1947, (hereinafter referred to as the I.D. Act only), for adjudication of a dispute over the demand of the second party workmen, as mentioned in the Schedule to the Order of the Reference. The first party to the Reference is the Food Corporation of India, and the second party is Food Corporation of India, Executive Staff Union.

2. In the Food Corporation of India (First Party) there are two types of workmen viz. (i) the workmen drawing the pay and allowance on the Central Dearness Allowance (D.A.) pattern on par with the Central Govt. Employees, and (ii) the workmen drawing the pay and the allowance under the Industrial D.A. pattern, arising out of the wage settlement between the employer and the recognized staff Union. The practice, in the first party Food Corporation of India (hereinafter referred to as the FCI) has been to extend the monetary benefits of the revision of pay-scales in the matter of the allowance except where, it has no profit. As and when the wage-scales/pay-scales are revised, the benefits of the Over Time Allowance (OTA) arrears is extended similarly, as and when the CDA/IDA arrears are paid, from time to time, the arrears of such enhanced CDA/IDA instalment is paid to the workmen. This is also applicable to the pay revision, on promotion. According to the second party Union, on the same analogy, the employees, who were conferred with the selection Grade are entitled to the arrears of the OTA.

3. The Union, vide its representation, dated 14-5-1999, expressed grievance that the payment of the arrears of the OTA on selection grade were not paid to the

employees. The representation was addressed to the Assistant Commissioner of Labour (hereinafter referred to as the "ACL"), Pune. This demand to the ACL led to the conciliation proceeding on 17-9-1999. According to the Union, in the said conciliation proceeding, the officer of the FCI, conceded to arrange the arrears of the payment before "Diwali Festival" of 1999. However, the employer of the FCI failed to keep up its demand. The Union sent the representations dated, 15-11-1999, and 18-10-2001. However, the settlement could not be arrived at and ACL submitted the failure report to the concerned authority. As a result of this the Secretary to the Govt. of India, Ministry of Labour, New Delhi, made Present Reference to this Tribunal, to adjudicate the dispute over the following demand, as mentioned in the schedule to the order of the Reference :—

#### SCHEDULE

"Whether the demand of the FCI Executive Staff Union, Pune, that the employees concerned who have been placed in selection grade retrospectively during the period 1989-2001, as per the policy are entitled for payment of arrears of overtime from the date of their placement in the selection grade is legal and justified? If yes, to what relief they are entitled to?"

4. The Reference was registered and the notices were issued to the parties. The second party Union submitted its statement of claim at Exh. U-1. The contentions in the Statement of claim are, more-or-less, similar to the facts, narrated above.

5. The first party FCI filed its written statement at Exh. C-6 and denied the demand of the payment of the OTA arrears of the revision of pay on the selection grade. It denied the submissions in the statement of claim that in the conciliation proceeding, held on 17-9-1999, the Management of the FCI had agreed to allow the payment of the OTA arrears, before Diwali of 1999. According to the FCI, once the Selection Grade is conferred on a particular employee, he is given an offer to accept the IDA Pattern of D.A. or continue in the CDA. If the IDA pattern of the pay-scale is accepted, then his pay is fixed as per the instructions issued by the FCI, from time to time. The employees governed by the IDA pattern of the pay-scale are also governed by the Settlement between the Union, on one hand and the Management, on the other and by virtue of the provisions contained in the settlement, the issue of the payment of the OTA arrears has been settled. In the additional written statement, the FCI has referred to four settlements, entered into, between the parties and according to the FCI, there is provision in each of the settlement that the cases of the OTA and ex-gratia-payment already paid, will be treated as the final for the whole of the period, covered by the settlement. The second party Union has referred to the case of R.A. Anthony, the Staff Car Driver. According to the FCI, he was CDA based employee and his case related to arrears of stagnation of increment and Anthony's case does not relate to the arrears of the OTA on selection grade. Once the selection grade is conferred on the CDA based employees, on acceptance of the selection grade, they will automatically switch over to the IDA scales and they would be governed by the



provisions contained in the four settlements referred to in the additional written statement. Thus, FCI has denied the claim of the Union that its Officer had ever agreed in the conciliation proceeding to pay the OTA arrears on the selection grade and further, as per the provisions contained in the settlement, this issue has been finally decided.

6. Both the sides produced certain documents. They also adduced the oral evidence by examining the witnesses. Having regard to the contentions raised in the statement of claim and in the written statement, I record my finding on the demands, as mentioned in the Schedule to the order of the reasons, for the reasons given thereof.

**The Schedule of the demand, mentioned in the order of Reference,**

**Findings**

<p>“Whether the demand of the FCI Executive Staff Union, Pune that the employees concerned, who have been placed in selection grade, retrospectively, during the period 1989-2001, as per the policy are entitled for payment of the arrears of overtime from the date of their placement in the selection grade is legal and justified? If yes, to what relief, they are entitled to?”</p>	<p>: No</p>
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**REASONS**

7. The second party Union has examined Mr. D. P. Dange, its Regional Vice President. According to him, the Circular No. 22/of 1992, dated 30-12-1992, is the basic document for placement of any employee of FCI in the selection grade. All the individual orders of placement of the group of the employees in the Selection Grade, with retrospective date, bear the Reference of the Circular No. 22 of 1992. He further stated that the FCI issued the order, dated 28-10-1996, to place the 47 employees of his batch in the Selection Grade, with re-trospective effect from 26-8-1995. Alongwith the Statement of Claim, the Union has produced the order, dated 28th October, 1996 by which, 48 employees were placed in the Selection Grade. It also produced the order, dated 20th September, 1999 under which, 53 employees were placed in the Selection Grade. In both the Circulars, there is clarification that the employees, drawing the pay of the Central Dearness Allowance-CDA pattern are also offered the selection grade in IDA pattern. It is mentioned in both the Circulars that if the employees accept the offers, their pay will be fixed in the Industrial Dearness Allowance-IDA pattern, as contemplated in paragraph No. (iv-b) of Circular of 22 of 1992. There is no dispute over the issuance of these two orders by the FCI to place these employees in the selection grade. The Circular No. 22 of 1992, is produced at Exh. U-5. Clause No. IV of the said Circular gives the instructions as to how the pay-scale of employees is to be fixed by giving confirmation of selection grade. From the wording of Clause IV of the said Circular, it is seen that on accepting of Selection Grade, the employee is automatically switch-over to the IDA pattern.

8. The present dispute concerns over the demand of the Union that despite giving of the Selection-Grade to these employees, the FCI has not paid them the arrears of the OTA of the Selection Grade.

9. In this regard, the principal contention of the Union is that the demand made by the Union vide its letter dated, 15th May, 1999 addressed to the ACL, Pune led to the conciliation proceeding. The copy of the letter is Annexure-I below the Statement of Claim. It appears that the ACL held the conciliation proceeding. According to the Union, in the conciliation proceeding, the District Manager of the FCI conceded to this demand and agreed to make the payment of the OTA arrears before the ‘Diwali’ of 1999. However the payment not having been made by the FCI, the Union again wrote a letter to the ACL on 15th November, 1999, and expressed the grievance that the promise was not kept up by the FCI and the payment of the OTA arrears on Selection Grade, was not made to the employees. Some of the demand was repeated and the grievances were reiterated in its letter, dated 18-10-2001, which is Annexure V below the statement of claim. As pointed out above, on the basis of the failure report, submitted by the ACL, the dispute has been referred to this Tribunal, for adjudication over the demand relating to the OTA arrears of the Selection Grade. Now, the crucial question that arises for consideration is whether the officers of the FCI had given any undertaking or had made any statement in the conform of consent, before the ACL, accepting the demand of the Union. Alongwith the Statement of Claim, the Union has produced the xerox-copy of the note of the Minutes of the conciliation proceeding, dated 17-9-1999, recorded by the ACL. The material portion of the note, prepared by the ACL reads as follows :—

“The matter is discussed at length, the Management agreed to pay the difference of the OTA due to the revision of the pay of the Staff-Car Driver, Shri Anthony, because of payment of stagnation increment and also due to the placement in the Selection Grade of the other employees and CDA matters before ‘‘Diwali’’. The Management is advised to submit the compliance report by 6-11-1999.”

10. According to the second party Union, these minutes were recorded by the ACL, on the basis of the statement made by officer of the FCI. The xerox-copy of the note prepared by the ACL dated 17-9-1999, reveals that it bears the signature of Mr. P. S. Gaikwad, District Manager of the FCI, Pune and Mr. Dange, who is the Vice President of the Union and one of the witness, examined in the present case, besides other office bearers of the Union.

11. During the course of the cross-examination, Mr. Dange (UW-1) admitted that before the ACL, he had not filed any record regarding the M.O.U./Settlement or wage revision. The Union also examined Mr. P. S. Gaikwad, (UW-2), who was the District Manager, FCI, Pune. In this affidavit evidence, he stated that the Union had raised a dispute before the ACL, Pune, relating to OTA arrears to the Staff Car Driver, Mr. Anthony and OTA arrears to IDA based employees after their placement in the Selection Grade, with retrospective effect. As regards the statement

before the ACL in the Conciliation Proceeding, Mr. Gaikwad stated that the ACL, Pune, called both the parties for hearing of the case, for several times. Assistant Manager, Mr. Shaikh, was accompanying him and the discussions on various aspects of the dispute took place. He further stated that on 17-9-1999, they come to the conclusion and found that the demand put by the second party Union was genuine, reasonable and logical. According to Mr. Gaikwad, ACL, Pune, recorded the minutes of their discussion, on which, as a Representative of the FCI, he put his signature. During the course of the cross-examination, he admitted that the District Manager had no authority to take the policy decision, regarding the appointment, promotion, increment, etc. He further admitted that the Head Office had not authorised him to take any decision, in respect of the OTA arrears. He explained that the demand of the Union, regarding the R. A. Antony, Staff Car Driver was distinguished and it has been settled. He further admitted that Shri F. A. Shaikh, Assistant Manager, Pay Bills, had not signed the note prepared by the ACL.

12. As against this, the first party FCI, has examined Mr. Shaikh and he, at the material time, was the Assistant Manager, Pay Bills. He admitted that he had accompanied Mr. Gaikwad to the Office of the ACL and on 17-9-1999, he was present there. However, he explained that the Pay Bill Section had not made any demand before the Commissioner of Labour, as regards the payment of the OTA arrears. He referred to the different letters and the correspondence, which was subsequently entered into by the District Regional Office and the Zonal Office. He further admitted that the payment of the OTA on stagnation to Mr. Anthony (Staff Car Driver) was made, after the settlement before the ACL but he added that it was made only on receipt of the instructions from the Ministry, through the Head Office. His evidence reveals that there was no payment of the OTA arrears of Selection Grade, at the Pune Office and thus, there is no precedent. According to the evidence of this witness, Mr. Gaikwad was not authorised by the Head Office to make any commitment or statement before the Assistant Commissioner of Labour (ACL). That fact is also admitted by Mr. P. S. Gaikwad, when he was confronted with the same, during the course of the cross-examination.

13. As pointed out above, the Union is harping upon the note-cum-minutes of the meeting, dated 17-9-1999, prepared by the ACL, in the Conciliation proceeding. In this regard, through the evidence of Mr. Shaikh, CW-1, Manager, Pay Bill, the FCI has proved the letter, dated 15-12-1999, which was sent to the Assistant Commissioner of Labour under the signature of P.S. Gaikwad. From the contents of the said letter, it is seen that Mr. Gaikwad, informed the ACL about the satisfaction of claim of Mr. Anathony and as regard the dispute over the payment of the OTA arrears to the staff members containing to placement of Selection Grade, he mentioned that certain clarification/guide-lines from the superior authorities in connection with the drawal of the arrears is required, due to which the progress is started.

14. It appears that, in the mean-time, the Union had issued a notice to the District Manager, FCI, and started

agitation. In response to that, the District Manager, FCI, sent the communication, dated 30-8-2000, Exh. C-28, on different points, including the points of the payment of the O.T.A. arrears, on placement in the Selection Grade. Be it noted that the District Manager, specifically mentioned that the issue has been referred to the Regional Office for the guidance as to whether the payment is to be made or not. At Exh. C-31, dated 18-3-2000, there is communication from the Assistant Manager (Pay Bill), Pune, for District Manager, Pune, addressed to the Deputy Manager (Personnel), FCI, Pune. It was on the subject of drawal of the O.T.A. arrears due to the grant of the Selection Grade. In this letter, the Manager, Pay Bills, referred to the Circulars issued by the head office and referred to the clarification given in the Circular, dated 29-3-1989. Be it noted that under this communication, the Assistant Manager, Pay Bills, expressed opinion that no over-time arrears are payable and the requested the head office to examine the issue. It be noted that the Assistant Manager, Pay Bills, Mr. Shaikh, had accompanied Mr. Gaikwad, in the conciliation proceeding. At Exh. C-32, there is a copy of the communication, dated 9-5-2000, sent by the Assistant Manager, Establishment, for the Regional Office to the Zonal Manager, FCA, Mumbai. In this communication, there is reference to the demand/dispute raised by the Union over the demand of the non-payment of the OTA arrears and the note in the conciliation proceeding, dated 17-9-1999. In this communication, the Assistant Manager sought advice from the Zonal Manager, whether the employees covered in the IDA pattern selection grade with retrospective effect, can be paid the OTA arrears. At Exh. C-33, there is communication, dated, 26th June, 2001, faxed by the Regional Manager, FCI to the District Manager, FCI. It appears that the District Manager, had informed the Regional Office about the threat of gherao, given by the Union. I have already referred to the threat given by the Union and the guidance sought by the District Manager from the Regional Office. By this communication, the Regional Manager, referred to the letter, dated, 6-6-2001, and also referred to clause in the settlement, which were entered into between the Union, on one hand and the FCI, Management, on the other. In this communication, the Regional Manager, reproduced the material clauses of the former settlements, having bearing on the issue, I will refer to the same, a little later.

15. It appears from the record that in the past, there had been settlement between the National Coordination Committee on one hand and the Management of the FCI, on the other. There are such settlements for the period from 1-8-1983 to 31-7-1987. Alongwith the list Exh. C-20, FCI, has produced the copies of the Memorandum of the settlement, which are at Exh. C-21 to C-25. They came to be admitted by the second party Union. During the course of the cross-examination, Mr. Dange, admitted that he is aware of the four settlement between the Management and the Union also admits the same. On the basis of that admission, the copies of the settlement, care to be exhibited from C-21 to C-24. He further admitted that the decision taken by the National Coordination Committee are binding on his Union. As pointed out above, the settlement were arrived at, between the Federation on one hand and the management

on the other hand. Mr. Dange further admitted that the employees-member of his Union are the first beneficiaries of the said benefits arising out of the above stated settlements. It is the main plank of the defence of the first party FCI is that on the basis of the provisions made in the settlement, the issue of the payment of OTA arrears was finally settled and how raising question of making of payment of the OTA arrears on place of the selection grade, does not survive. In this regard, it will be useful to refer to the relevant provisions in the passed settlements. In clause No. 60 of the first pay/wage revision settlement, produced below Exh. C-22, for the period from 1-8-1983 to 31-7-1987 contains the following clause :—

“Case of the OTA and ex-gratia is payment already paid will be treated final for the whole of the period covered by the memorandum of the settlement. Outstanding cases will be decided as per the orders with reference to the pre-revised pay-scales.”

Clause No. 18 of the settlement for the period from 1987 to 1992, Exh. C-21 reads as follows :—

“Cases of OTA and Bonus/ex-gratia and PLI payment already made will be treated as final for the whole of the period covered by the Memorandum of the settlement. Outstanding cases will be decided as per the existing orders, with reference to the pre-revised pay-scales.”

Clause S.1 of the settlement for the period from 1992 to 1996, produced at Exh. C-23, reads as follows :—

“Cases of bonus/ex-gratia P.L.I. payment already made, will be treated as the final.”

16. At Exh. C-24, there is Circular, dated, 19th February, 2002, i.e. prior to the Reference order, under which the revision of the wage-scale orders were issued. From the remarks below the title **Introduction**, it appears that this Circular was issued, on the basis of the Memorandum of discussion, with the erstwhile Recognized Union and on obtaining the concurrence from the Board of the Director. Clauses 25(2) in the circular reads as follows :—

“Payment made on account of the CTA till 28-2-2002, on the pre-revised pay will be treated as final OTA linked to the basic pay would be regulated in the revised pay structure from 1-3-2002. (Rest of the portion of this clause is not material for the present discussion).”

17. Reverting to the evidence of Mr. Dange, during the course of his cross-examination, he admitted that in the former settlements, there was no clause incorporated that the arrears of the OTA would be paid by the Management. In fact, he could not make any contrary statement because in the earlier part of the cross-examination, he candidly admitted that the settlements Exhs. C-21 to C-24 (referred supra) were entered into between the Management and the Union and he also admits the same. Thus, the Union cannot take stand that the provisions made in the former settlements qua payment of OTA arrears were not binding on them. I have already reproduced the provisions made in the different settlement as well as the Circulars, issued by

the Head Office, on the basis of the discussions with the Union. From the contents of the provisions, referred supra, in those Circulars, it is seen that the Union had accepted that whatever payment of the OTA and ex-gratia amount was made, it shall be treated as final. In none of the settlement, there is any provision that the OTA arrears on placement in the Selection Grade, would be paid to the employees. Such question was not left upon. On the contrary, from the contents of the above clauses of the settlements, it is seen that that question was finally settled and under the different settlements, the Union accepted that whatever payment was made, it was treated as final. It be noted that the settlement for the period 1992 to 1996, has not been replaced by any other settlement. It is the cardinal principal in the Labour Legislation that the settlement, unless superseded by another settlement and that too having the provision on a particular issue, would continue to have its effect. Therefore, despite the lapse of the period of these settlements with their relevant provisions would have their effect and the combined reading of these settlements, in the back-ground of the evidence of Mr. Dange, clearly indicate that the demand for the payment of the OTA on Selection Grade is not legal and justifiable.

18. Such emphasis was laid on the note prepared by the Assistant Commissioner of Labour-ACL in the proceedings, relating to these demands. I have already reproduced above the contents of the note prepared by the ACL. I have also a diverted to the statement of Shri Gaikwad that he was not authorized by the Head Office to make any statement or commitment or admit the demands. On the contrary, the subsequent correspondence reveals that the office of the District Manager of the FCI had sought the guidance from the Regional Officer on the point of the payment of the OTA and the ex-gratia payments to the employees. That statement made by Shri Gaikwad, before the Conciliation Officer, cannot partake the characteristic or the settlement between the Union on one hand and the Management, on the other hand. More-over, the major part of the settlement/note made by the ACL pertain to the demand made by the Union relating to the dispute over the payment of the arrears of Shri Anthony, on stagnation. That was a distinct demand. In any case, I am not inclined to hold that the FCI had conceded to this demand, before the ACL and it is binding on the Management of the FCI.

19. With the foregoing reasons, I hold that the demand made by the Union, which is the subject matter of the present dispute, referred to this Tribunal, under the present Reference, for adjudication, is not legal and justified. Therefore, I proceed to pass the following award.

#### AWARD

(i) The demand of the second party workman/union, relating to the payment of the Over Time Allowance arrears to the employees, on placement in the Selection Grade, is not legal and justified.

(ii) Award is made, accordingly.

J.L. DESHPANDE, Industrial Tribunal.

4th January, 2004.

नई दिल्ली, 19 मार्च, 2004

का. आ. 901.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या 8/1980) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-2004 को प्राप्त हुआ था।

[सं. एल-21011/18/79-डी-IV(बी)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 19th March, 2004

S.O. 901.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 8/1980) of the Industrial-Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 18-03-2004.

[No. L-21011/18/79-D.IV(B)]

N.P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

#### PRESENT:

Shri S. Blujanga Rao, B.Sc., B.L., Industrial Tribunal-I

Dated : 30th day of December, 2003

#### INDUSTRIAL DISPUTE NO. 8 OF 1980.

#### BETWEEN:

Workmen of Singareni

Collieries Company Limited,

Yellandu, Khammam District (A.P.)

....Petitioner.

And

The management of Singareni

Collieries Company Limited,

Yellandu, Khammam District (A.P.)

....Respondent

APPEARANCES : Shri G. Vidya Sagar, Advocate for the Petitioner. Sri K. Srinivas Murthy, Advocate for the Respondent.

#### AWARD

The Government of India by its order No. L-21011/ (18)/79-D.IV (B) dated 7-7-1980 referred the dispute under Section 7A and 10 (1) (d) of the Industrial Dispute Act, 1947 (in short the ID Act) to this Tribunal for adjudication of the following dispute :

"Whether the action of the management of Messrs. Singareni Collieries Company Limited in placing in Category II Tub Repairing/Making Mazdoors in Tub Repairing/Making Sections At their Yellandu workshop is justified. If not, to what relief are the concerned workmen entitled?"

2. The averments of the claim statement filed on behalf of the Singareni Collieries Workers Union Yellandu (the petitioner herein) in brief are as follows :—

The petitioner union members six in all were working in the Tub Manufacturing unit of Yellandu division and they should be Categorised as Category-IV employees instead of Category-II employees as they are doing skilled jobs as is done in Kothagudem workshop.

3. The respondent management filed counter stating that the present category-II given to Tub/Repairing/Making Mazdoors is quite appropriate as per 1967 Wage Board recommendations and if there is any higher category given at Kothagudem, it was due to special circumstances and personnel and as such Yellandu Tub Repairing/Making Section workers cannot compare themselves with that of the workshop workers of the other divisions or Areas and the dispute in this regard/the claim of the workmen is imaginary and not warranted. It is misnomer to state that these workmen are engaged in manufacturing of tubs. As no manufacture is involved except assembling chasis and plate of standard dimensions already cut elsewhere and applied to them. The comparison with Tub Repairing/Making Section workers of Kothagudem also is unsustainable. Therefore Category-II allotted to these workmen is appropriate and the allegation of extracting additional and skilled work is denied. Therefore the demand of the workmen is liable to be rejected.

4. In view of the contentions of both the parties the question that arises for consideration is whether the Tub Repairing/Making section at Yellandu workshop is having Mazdoors performing jobs of Tub Repairing/Making Mazdoors. If so, whether their placement in Category-II was justified?

5. During the course of enquiry on behalf of the workman WVs. 1 to 4 were examined and got marked Exs. W1. And on behalf of the management MWs. 1 to 3 were examined and no documents were marked. After remand both the Awards namely Majumdar Award dated 26-5-1956 Central Wage Board for the Coal Mining Industry, and Raghunath Reddy Award dated 30-10-1967 mentioned above are marked as Exs. M1 to M3 by consent of both the parties. And both the parties have represented that they have got no further evidence to lead in this dispute. Hence the evidence was closed and arguments of both the sides were heard.

6. Previously an award was passed on 7-5-1986 on merits by this Tribunal holding that the action of the management of Singareni Collieries Company Limited in placing Category-II Tub Repairing/Making Mazdoors in Tub/Repairing/Making Section at Yellandu workshop is not justified and they are entitled to be placed in Category-IV as they are actually involved in manufacturing and repairing work and doing the same nature of job as that of Category IV maistry at Yellandu and the categorisation



given at Kothagudem for maistries and mazdoors as Category-I mazdoors and Category-V maistries would show that the said categorisation is only leading to anomalies and they are adopting double standards. At any rate Category-II mazdoors of Tub Repairing/Making Mazdoors in Tub Repairing/Making Sections at Yellandu workshop are to be given Category IV as on the date of reference and with all attendant benefits. Aggrieved by the aforesaid Award, the respondent management filed W.P. No. 13284/86 before the Hon'ble High Court of A.P., and the Hon'ble High Court by its order dated 18-10-1989 allowed the Writ Petition and remitted the matter to this Tribunal for fresh disposal according to law on the grounds that the Awards of Majumdar and Raghunath Reddy relied upon by the management were brushed aside without assigning any opinion. Subsequently, another award was passed on 26-7-1993 by this Tribunal holding that Category-II mazdoors are entitled to Category-IV. Aggrieved by the said Award, the respondent management had filed W.P. No. 299/1994 before the Hon'ble High Court and the same was allowed by quashing the award on 25-5-1997 observing that in answering reference, the Tribunal exceed its jurisdiction in directing Category-II Mazdoors to be placed in Category-IV on the sole ground that they are performing the same works as the workmen in Category-IV as in the case of Kothagudem workshop. It is also further observed that the Tribunal exceeded its limit to the investigation of the dispute. Aggrieved by the said order of the Hon'ble Single Judge, the Union filed W.P. No. 268/1998 and the Hon'ble Division Bench of the High Court by its order dated 4-4-2003, set aside the order dated 25-5-1997 passed in W.P. No. 299/1994 and consequently the order dated 26-7-1993 of this Tribunal in I.D. No. 8/1980 is also set aside and the matter is remitted directing this Tribunal to look into Awards of Majumdar and Raghunath Reddy as mentioned in the earlier Judgement dated 18-10-1989 of the Hon'ble High Court in W.P. No. 13284/1986 and passed appropriated Award afresh as per law.

7. The Singareni Collieries Company Limited is having its coal mines in three areas namely Kothagudem (Khammam District) Ramagundam (Karnimnagar District) and Bellampalli (Adilabad Dist.), and each comprised of divisions with group of mines. Yellandu is one of the divisions in Kothagudem area. For executing various mechanical and electrical works, a number of workshops are located in divisions/Areas. Tub Repairing/Making is a section which forms part of workshop where Tub repairing or assembling of new tubs is carried out by maistries and mazdoors whose category job nomenclature in the Wage Board is as follows:

(a) Tub-Repairing/Making Maistry—Blacksmith and their Mazdoors generally do all tub repairs including fastening the tub locks to the frame with bolts and nuts.

(b) Tub/repairing/making mazdoor—A worker who

assists a tub-repairer or tub-repairing blacksmiths and general works under the directions of the repairers or blacksmiths on the surface and very occasionally underground. Those formerly designated as 'Ravet Man' or 'Blacksmith Helpers' will hence forward be known as 'Tub-Repairing Mazdoors'.

All these facts are not in dispute.

8. Ex. M1 is the Majumdar Award dated 26-5-1956 which was published in the Government of India Gazette dated 26-5-1956. As seen from Ex. M1 award as a result of persistent demand for categorisation by the workmen the Central Government constituted an Industrial Tribunal called the All India Industrial Tribunal (Colliery Disputes) for adjudication of the Industrial Disputes concerning coal mines. The Tribunal consisted of Hon'ble Mr. Justice. J.N. Majumdar and other members. They gave its Award which was published in the Gazette of India on 26-5-1956 and is known as Majumdar Award. The Majumdar Award came into force in 1956 and 10 categories with designation and description and with job nomenclature were given in the respondent company. As per Majumdar Award categories I and II are treated as unskilled, Categories III to VI as semi-skilled and Categories VII to IX as skilled and Category-X as highly skilled. Wage differentials have been retained depending on the work and the fatigue involved besides historical and traditional reasons. At paras 510, 515 and 648, Clause (5) of Majumdar Award, describes the nature of work discharged by the Tub Repairing Maistries and Mazdoors. Initially, the Tub Repairers were paid piece-rate and then by virtue of Majumdar Award, Tub-repairing Mazdoors were classified as Category-II Mazdoors. The classification remained unchanged by all subsequent National Coal Wage Agreements.

9. Ex. M2 is the report of the Central Wage Board for the Coal Mining Industry dated 1-1-1967 and Ex. M3 Sri Raghunath Reddy Award dated 30-10-1967. As seen from Ex. M3 award the Petitioner's union in I.D. No. 30/1967 made similar demands and the dispute was eventually settled by the arbitration of Sri Raghunath Reddy the union Labour Minister, in terms of which a comprises award was passed by the Hon'ble Tribunal. Before Sri Raghunath Reddy the Unions did not press its demand which was mentioned as demand No. 10 at page No. 9 of the said award. It is not in dispute that Ex. M3 award has also become final.

10. The learned counsel for the petitioner has not disputed Exs. M1 to M3 and their contents, but contended that Exs. M1 to M3 awards apply to Tub Repairers only but not to Tub Manufacturers. The Majumdar Award is binding on all the workmen and managements in the Coal Industry as also the National Coal Wage Agreements which dealt with cases of anomalies and disabilities with regard to job description and categorisation. The Joint Bipartite Committee for coal Industry, similarly has considered and

dealt with nomenclature job description and categorisation of workers taking into consideration the findings of the standards of the committee under the National Wage Agreement and issued implementation instructions.

11. As stated above Ex. M1 award also dealt with occupational nomenclature and job description for each category. The nomenclature and job description in so far as Tub repairing concerned, it is defined as under at page 1290 under para 654 of the Award. "Tub Repairing :—A worker who assists a tub repairer or tub repairing blacksmiths and generally works under the direction of the repairer or blacksmith on the surface, and very occasionally underground. May be also called "rivet men" or "blacksmith helper." Tub repairing :—Blacksmiths and their mazdoors generally do all tub repairs, including fastening the tub blocks to the frame with bolts and nuts."

The categorisation of the above have been made as under Category-II.

**Serial No. 15. Tub repairing/Making maistry.**

Blacksmith and their mazdoors generally do all tub repairs including fastening the tubs blocks to the frame with bolts and nuts.

Now the IInd Category mazdoors have to assist the above maistries and they have paid the wage of IInd category.

In the 1967 Award nothing is mentioned about the tub manufacturing. But the manufacturing started after the 1967 and all these long years the management did not take any steps to fix the workers in appropriate category.

Accordingly 1967 Wage Board appendix-V, Category IInd Mazdoors job description is as follows :—

**Serial No. 1. Tub repairing/Making Mazdoors :**

A worker who assists a tub-repairer or tub-repairing blacksmiths and generally works under the directions of the repairers or blacksmiths on the surface, and very occasionally underground. Those from early designated as Rivet man or 'Blacksmith Helpers' will hence forward be known as "Tub Repairing Mazdoor".

In so far as piece rate workers are concerned it has been observed in Majumdar Award as under

"We would, therefore, place the piece rated coal cutters with time-rated coal cutters working in solid headings in category VI and the workload for the piece rated coal cutters would be 5 tubs of 24 c.ft. each. The basic rates of other piece-rated coal cutters would be increased by 25%.

Basing on the said Award, the piece rated workers in Kothagudem workshop were granted an increase of 25% over the then existing piece rate.

As per the instructions issued by joint Bipartite

committee with regard to Categories II and IV are concerned job description is as under :

**Category -II (semi-skilled lower) :**

"Page 10. Tub-Repairing/Making Mazdoor : Job description " "A workman who assists a tub repairer or tub-repairing blacksmith and generally works under the directions of the repairer blacksmith on the surface, and very occasionally underground. Those formerly designated as "Rivet Man" or "Blacksmith Helpers" will hence forward be known as "Tub-repairing Mazdoors".

**Page 17 : Category-IV (Skilled Junior) :**

15. Tub Repairing/Making Maistry : Job description : Black smith and their mazdoors generally do all tub repairs including fastening the tub blocks to the frame with bolts and nuts."

In the light of the above nomenclature and job description for each category in Majumdar Award, the contentions of both the parties are now to be examined.

The contention of the workmen is that at Kothagudem when they started Tub repairing, the management was forced to give higher category to workmen who at present in Kothagudem repairing section. The contention of the workmen is that they were working in the tub manufacturing unit of Yellandu Division and were discharging the duties of Category-IV employees but they are placed in Category-II tub repairing/making mazdoor in tub repairing/making section at Yellandu workshop. Therefore they should be categorised as Category-IV employees instead of Category-II employees as they are doing skilled job as they done in Kothagudem Workshop. On the other hand the contention of the management is that for historical reasons, Kothagudem workshop workers in tub repairing/making Section were categorised as Category-IV employees and as such Yellandu tub repairing/making section workers cannot compare themselves with that of the workshop workers at Kothagudem, though they can be compared with workmen at other divisions of areas. And that there are tub repairing/making maistries and adequate number of mazdoors depending on work load in workshop other than the workshop at Kothagudem and that the job nomenclature itself clarifies the position that these workmen are not engaged in manufacture of tubs, as no manufacture is involved except assembling chasis and demand sheets already cut elsewhere and supplied to them. No additional or skilled work is extracted from the workmen. Thus Category-II allotted to these workmen is appropriate.

M. W2 is V. Gopala Sastry the Deputy Chief Personnel Manager of Singareni Collieries Company Limited at Kothagudem and looked after the work of other divisions of the company. He has stated in his evidence that earlier to Majumdar Award 1956 there was tub repairing/making section at Main workshop. They were all in piece rates, paid on the number of tubs made by them. Based on the

earnings of these piece rated workers, they were all converted to time rate. After implementation of Majumdar Award, there were ten time rated categories under Majumdar Award. Depending on the skill of the workmen and wages earned, the tub repairing maistries were fixed from old Category-IV to IX and their helpers in old Category-III. The Majumdar Award has fixed only Category-IV for tub repairing maistries and Category-II for tub repairing mazdoors. All the workers at the Main workshop tub repairing section are all old piece rated workers. These facts spoken to by MW2 are not disputed by the workmen. The evidence of MW2 proved the contention of the respondent-management that all the 15 categories V tub repairing/making workers on rolls of Main workshop were originally employed on piece rates several years back, when wooden tubs were in usage. That these piece rated worker were engaged for repairs and making of wood tubs which were subsequently replaced by iron tubs. That they were eventually drafted to time rated categories basing on their earnings on piece rates and that all these 15 workmen were drawing old categories VI and VII and they were placed in new Category-V under the Wage Board and this category was treated as personal to them. Similarly the mazdoors, who are formerly in old category III were also resolved as a gesture of goodwill and they were placed in Category-IV under the wage board. It is in the evidence that the workshop at Yellandu was established in the year 1974 and the workmen were appointed in the respondent company after 1970. By the time the workshop at Yellandu was established. The Majumdar Award which came into force in the year 1956, and also central wege board for coal mining industry came into operation from 1967, as per which the tub repairing/making mazdoors are entitled to Category-II wages only. Under these circumstances, the petitioner workmen are not entitled to claim Category-IV on par with the workmen at main workshop at Kothagudem who are enjoying higher categories for historical reasons enumerated above. Category IV infact is applicable to only tub repairing/and making maistries. In view of the contentions of both the parties the questions for determination in this dispute is whether the petitioner's workmen in Category-II are performing the works and jobs of tub repairing/making maistries who are allotted Category-IV, at Yellandu workshop. Therefore, in my considered view, the question whether the petitioner, workmen are entitled to be placed in Category-IV on par with the workmen in Kothagudem workshop is irrelevant to answer the dispute referred to the Tribunal.

Further as contended by the learned counsel for the respondent, the present wages paid to the concerned workmen is that as described by the National Coal wage agreements and no union through out India has raised any dispute either for fitment or reclassification of job nomenclature before the National Coal Wage Agreement or the Joint Bipartite Committee for coal industry.

The main contention of the workmen is that as they are actually involved in manufacturing and repairing work and doing the same nature of job as that of Category-IV tub repairing/maistries at Kothagudem the tub repairing/making mazdoors in tub repairing/making section at Yellandu workshop are to be given Category-IV. The respondent management denied that the workmen i.e., tub repairing/making mazdoors at yellandu are discharging the duties which the tub repairing/making maistries doing in the workshop at Kothagudem.

MW 2 the Deputy Chief Personnel Officer of Singareni Collieries Company Limited has stated in his evidence that in all the divisions i.e., namely Ramagundam, Kothagudem, and Bellampalli there are various mechanical and electrical workshop including the workshop at Yellandu in Kothagudem Division.

There are tub making and repairing sections and the workers are given appropriated categories namely Category-IV for maistries and Category-II for mazdoors and invariably all the tub repairing sections and making Sections are having Category-IV and Category-II except at Kothagudem. For the historical reasons mentioned above.

It is an admitted fact that based on the work study conducted by the Industrial Engineering Department, the Manpower required for assembling/fabricating tubs at Yellandu workshop is fixed as follows :—

(i) Tub-repairing/Making Maistries Category	2
(ii) Drilling Operator	1
(iii) Welder	1
(iv) Tub repairing/making mazdoors	7

this is also proved by MW1 the Senior Industrial Engineer in Yellandu Division.

MW1 the Senior Industrial Engineer has categorically stated in his evidence that manufacturing of tubs is a group work, one person cannot do the entire job. He further stated that Category-II mazdoors have to work under the directions of maistries like carrying of materials, holding the materials, miscellaneous work, where as Category-IV maistries do measurement, making sides, locating the work binding and rivetting. The Category-II mazdoor holds the job in position and maistry undertakes revitting work. He denied the suggestion that at Yellandu Category-II mazdoors are doing the work of Category-IV maistries.

MW3 the Deputy Chief Engineer-cum-Chief Transport Officer who is incharge of tub repairing and making section of Kothagudem has categorically stated in his evidence that the manufacture of tubs is a team work of two or three categories, and that it is impossible to extract entire work from a single category or person and that the semi skilled workers are working under directions of a maistry. According to him the norms of tub making/repairing require one maistry, one welder, one blacksmith and four or five semi skilled mazdoors.

WW1 the Joint Secretary of the Union has stated during his cross examination that mazdoor by himself cannot repair or manufacture a tub without welder, driller or blacksmith. That mazdoors also participate and assist others in the manufacturing of a tub. He has Categorically stated that he cannot say what type of work has been carried out by the tub making mazdoors during working hours. He says that the mazdoors do not have any special training in the manufacturing work and they do not possess ITI Certificates.

WW2 is working as Category-IV tub repairing and making maistry in Yellandu division. He has categorically stated in his evidence that the mazdoors work as per their directions i.e., directions of the Category-IV maistries.

WW3 a Tub repairing/Making Mazdoor in Yellandu work-shop has categorically stated during his cross examination that maistry gives the markings and the mazdoors punch and cut, after the tub sheets and the bottom sheets are brought from outside. The driller does the drilling work as per the marking given by the maistry and the welder attends cutting work and they assist them in those works. He has stated that in the vacancy of any tub repairing/making mazdoor, generally one of the mazdoors works in his place and generally mazdoor cannot work in the place of maistry if maistry is absent. He has categorically admitted that the tub manufacturing is a team work and it cannot be done by one category of workers.

In view of the evidence of WW1 to WW3 and MWs 1 to 3, it is clear that the tub making/repairing mazdoors at Yellandu division are discharging duties as specified under that Category in Ex. M1 Award and that they are not discharging the works or job of tub making and repairing maistries and they are assisting the maistries in manufacturing of tubs. In view of the above facts and circumstances the contention of the workmen that tub repairing and making are different activities is not correct. Further, no office order was issued to the petitioner workmen that they are tub making mazdoors, as there is no nomenclature of tub making mazdoor separately in the coal industry. The nomenclature given as per Ex. M2 the report of the Central Wage Board for the coal mining industry is applicable to the employees working in the entire country under Category-II (semi skilled lower). The tub repairing/making mazdoor job description is as under "A worker who assists a tub repairer or tub repairing blacksmiths and generally works under the directions of the repairers or blacksmiths on the surface, and very occasionally underground. Those formerly called as 'rivet man' or 'black smith helpers' will hence forth to be known as job repairing mazdoors". Further, as per nomenclature/job description and categorisation of coal employees under the joint bipartite committee for coal industry, the tub repairing/making mazdoor were categorised in Category-II/semi skilled workers and the job description was the same as that of the recommendations of the

Central Wage Board for the Coal Mining Industry as mentioned supra. In view of the above discussion the contention of the workmen that they are discharging the duties or job of tub repairing and making maistries at Yellandu division cannot be accepted.

It is significant to note that the tub repairing and making mazdoors working in workshop at Ramagundam, Bellampalli have not claimed Category-IV on the ground that they are discharging the duties of tub repairing/making maistries. It may be pointed out that earlier the petitioner's union in I.D. 30/1967 made similar demands and the dispute was eventually settled by the arbitration of Sri Raghunath Reddy the then Union Labour Minister in terms of which a comprises Award was passed by the Tribunal, as is evident from Ex. M3. As stated above, Ex. M3 disclosed that before Sri Raghunath Reddy, the union did not press its demand which was mentioned as demand No. 10 at page 9 of the said award.

Having regard to the facts and circumstances discussed above, I have no hesitation to hold that the petitioners workmen are performing the works which are categorised in Category-II nomenclature which is tub repairing mazdoors and that they are not performing the job of tub repairing and making maistries. Therefore the respondent management is justified in placing them in Category-II tub repairing and making mazdoors in tub repairing/making section at their Yellandu workshop is justified.

In the result, Award is passed holding that the management of Singareni Collieries Company Limited Yellandu is justified in placing the petitioner workmen in Category-II tub repairing/making mazdoor in tub repairing/making section at their Yellandu workshop. Hence the reference is answered accordingly.

Dictated to the Shorthand Writer, transcribed by him, corrected by me and the seal of this Tribunal on this the 30th day of December, 2003.

S. BHUJANGA RAO, Industrial Tribunal-I.

#### Appendix of Evidence:

Witnesses Examined for Petitioner :	Witnesses Examined for Respondent :
WW1 V. Poshaiyah	MW1: A. Ramachandra Rao
WW2 Khaza Mohinuddin	MW2 V. Gopala Sastry
WW3 P. Rayamallu	MW3: E.V. Vijaya Raghavan.
WW4 B. Venkati	

#### Documents marked for the Workmen (after remand)

- Ex. W1 True Copy of Record Note of discussions on upgradation of certain designations by the Joint working group on 12-4-74 at New Delhi.



**Documents marked for the Respondent (after remand)**

- Ex. M1 Majumdar Award/Coal Award.  
 Ex. M2 Report of the Central Wage Board for the coal mining industry.  
 Ex. M3 Xerox copy of Raghunath Reddy Award.

नई दिल्ली, 19 मार्च, 2004

का. आ. 902.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, ई.सी.एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण असनसोल (संदर्भ संख्या 34/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-2004 को प्राप्त हुआ था।

[सं. एल-22012/352/1999-आई आर (सीएम-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 19th March, 2004

S.O. 902.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 34/2000 of the Central Government Industrial-Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the management of ECL and their workman, received by the Central Government on 18-03-2004.

[No. L-22012/352/1999-IR(CM-II)]

N.P. KESAVAN, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
 INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
 ASANSOL.**

**PRESENT:**

Shri Ramjee Pandey,  
 Presiding Officer.

**REFERENCE NO. 34 OF 2000.****Parties:**

Agent, North Searsole Colliery, ... Management  
 Vrs.

Sh. Sheopujan Kurmi, U.G. Loader ... Workman

**Representation:**

For the Management : Shri P. K. Das,  
 Advocate.

For the Workman (Union) : Shri N. Ganguly,  
 Advocate.

Industry : Coal State : West Bengal.

Dated the 1st November, 2002

**AWARD**

In exercise of powers conferred by clause (d) of Sub-section 1 and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, Government of India through the Ministry of Labour vide its Order No. L-22012/352/99/IR (CM-II) dated 29-02-2000/7-3-2000 has referred the following dispute for adjudication by this Tribunal:—

“Whether the action of the management of North Searsole Colliery under ECL in dismissing the services of Sh. Sheopujan Kurmi, U.G. Loader is justified? If not, to what relief the workman is entitled?”

After receiving the reference summons were sent to both the parties by registered post in response to which both the parties appeared through their representatives. Shri P. K. Das, Advocate, appeared for the management and Shri N. Ganguly Advocate, appeared for the Union (workman). Both the parties filed their written statements and contested the dispute.

The fact of the case in brief, is that the workman viz. Shri Sheopujan Kurmi was a permanent employee of North Searsole Colliery working as U.G. Loader. The workman was received a charge-sheet alleging therein that on 27-4-98 at 11.30 p.m. he was caught near the incline mouth of Incline No. 1 while he was carrying a draw-bar of coal tub without D-links wrapped with wooden scales by the Security Inspector of the colliery and after conducting a domestic enquiry he was dismissed from his service.

The case of the management in brief, is that the concerned workman was working as U.G. Loader at North Searsole colliery and he was charge-sheeted by the management for his act of mis-conduct to which the workman submitted his reply but his reply was not satisfactory, hence a domestic enquiry was started. The Enquiry Officer concluded the enquiry in presence of the workman giving him full opportunity to defend himself. During enquiry charge against the workman was found established and hence he was dismissed from his service. The further case of the management is that the nature of mis-conduct proved against the workman is serious and the punishment of dismissal is a proper punishment and hence the act of the management is totally justified and it does not require interference by this Tribunal.

The case of the workman in brief, is that the workman is innocent and he has committed no mis-conduct. The allegation of committing theft of draw-bar poll is false and baseless. The enquiry against the workman was conducted in violation of all the norms. No witness has been examined by the Enquiry Officer in support of the allegation against the workman. The Enquiry Officer did not act impartially. The further case of the workman is that the punishment of dismissal from service is too much harsh and disproportionate and hence a prayer has been made to set aside the order of dismissal with a direction to reinstate the workman in service with back wages.

Although in the written statement of the union it has been stated that the enquiry was not conducted properly and impartially but at the time of hearing on the preliminary point of fairness and validity of enquiry learned lawyer Shri N. Ganguly, appearing for the union, did not challenge the fairness and validity of enquiry and hence the domestic enquiry has been held to be valid by order dated 15-5-2002.

Now points for consideration are as to whether there was sufficient material to prove and establish the misconduct and as to whether the finding of the Enquiry Officer in this regard is correct or not. In this connection learned lawyer for the management submitted that there is sufficient material produced during the domestic enquiry to establish the mis-conduct of the workman and the Enquiry Officer has rightly come to the conclusion that the charge against the workman has been established. On the other hand learned lawyer for the workman submitted that no direct evidence has been adduced by the management to prove the mis-conduct alleged against the workman and hence the finding of the Enquiry Officer is not based on acceptable evidence. In view of contrary submissions I perused the enquiry report and the evidence recorded by the Enquiry Officer. It is clear from the documents of enquiry filed by the management that only one witness was examined by the management viz. Shri N. K. Sahoo who has supported the allegation made against the workman but Shri N. K. Sahoo is not eye witness of the mis-conduct alleged to be committed by the workman. From the materials on the record it is clear that the workman is said to have been caught red handed carrying the alleged stolen articles by security inspector of the colliery but security inspector has not been examined by the management. However, the statement of the workman was recorded by the Enquiry Officer and the workman himself admitted that on 27-4-98 he was caught by security inspector when he was carrying a draw-bar of coal tub. He has further stated that he was living in the quarter of the company and one of the door of the quarter was damaged badly and hence he took the draw-bar to repair the door and that with a view to utilise the same in the company's quarter. It is settled principle of law that if the mis-conduct is admitted by the delinquent himself it requires no proof. In view of the fact that the workman has admitted his mis-conduct, I find that charge against him has been established and finding of Enquiry Officer is correct.

Next point for consideration is as to whether the punishment of dismissal of the workman from service is justified or not. In this regard learned lawyer for the management submitted that the workman committed theft of the article of the company and this mis-conduct is so serious that the punishment of dismissal is not disproportionate rather the same is justified. Learned lawyer for the workman submitted that the mis-conduct alleged against the workman is of minor nature and lesser punishment would meet the ends of justice, hence the

punishment of dismissal is dis-proportionate, hard, shocking and unjustified. In support of his contention learned lawyer placed reliance on a case law reported in 1990 LAB. I.C.-1531.

I have carefully gone through the materials on the record in this regard. No doubt the mis-conduct against the workman has been established on the basis of his admission in his statement given before the Enquiry Officer. It is settled principle of law that admission by a party should be accepted as a whole or rejected as a whole. If the portion of his statement admitting his misconduct has been accepted then his further statement in that connection should be also accepted. In his statement the workman has stated that he picked up the draw-bar only with a view to utilise the same in the quarter of the company in which he was residing by repairing the door which was damaged from before. From this very statement of the workman it is clear that he had no criminal intention to commit theft. From the record itself it is clear that nothing against the workman has been alleged regarding his previous service record and naturally it will be presumed that his past service record is clear. In view of the above discussion and the facts and circumstances of the case, in my opinion also the punishment of dismissal is disproportionate to the nature of misconduct and the same is shocking and unjustified. In taking such view I find support from the case law cited by the learned lawyer for the workman.

In view of the above discussion the order of dismissal is set aside and the management is directed to reinstate the workman in service but in the facts and circumstances of the case the workman will not be entitled to any back wage. In the above manner the award is passed.

RAMJEE PANDEY, Presiding Officer

नई दिल्ली, 23 मार्च, 2004

का.आ. 903.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33ग की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा दिनांक 15-12-2003 के श्रम मंत्रालय की फाइल सं. ए-11016/04/2003-सीएलएस-II में भारत सरकार की अधिसूचना द्वारा उक्त अधिनियम की धारा 7 के अन्तर्गत स्थापित श्रम न्यायालय, गुवाहाटी को उस श्रम न्यायालय के रूप में विनिर्दिष्ट करती है जो उस राशि का निर्धारण करेगा जिस पर उस उप-धारा में संदर्भित किसी लाभ को असम, अरुणाचल प्रदेश, मिजोरम, मेघालय, त्रिपुरा, नागालैंड और मणिपुर में स्थित किसी भी उद्योग में कामगारों के संबंध में धनराशि के रूप में परिकलित किया जाएगा जिनके संबंध में केन्द्र सरकार समुचित सरकार है।

[फा. संख्या ए-11016/04/2003-सीएलएस-II(पार्ट)]

वाई.पी. सहगल, अवर सचिव

New Delhi, the 23rd March, 2004

**S. O. 903.**—In exercise of the powers conferred by Sub-sections (2) of Section 33C of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby specifies the Labour Court, Guwahati constituted under section 7 of the said Act by the notification of the Government of India in the Ministry of Labour's file No. A-11016/4/2003-CLS-II dated 15-12-2003 as the Labour Court which shall determine the amount at which any benefit referred to in that Sub-section would be computed in terms of money in relation to workmen employed in any industry located in Assam, Arunachal Pradesh, Mizoram, Meghalaya, Tripura, Nagaland and Manipur in respect of which the Central Government is the appropriate Government.

[F. No. A-11016/4/2003-CLS-II(Pt)]

Y. P. SEHGAL, Under Secy.

नई दिल्ली, 23 मार्च, 2004

**का.आ. 904.**—राष्ट्रपति जी, श्री कुलदीप सिंह को 15-3-2004 (पूर्वाह्न) से केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-II, चंडीगढ़ का पीठासीन अधिकारी नियुक्त करते हैं। श्री कुलदीप सिंह, केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-II, चंडीगढ़ के पीठासीन अधिकारी के पद पर 3 वर्ष तक की अवधि के अगले आदेशों तक बने रहेंगे।

[फा. संख्या ए-11016/7/2003-सी.एल.एस-II]

वाई.पी. सहगल, अवर सचिव

New Delhi, the 23rd March, 2004

**S. O. 904.**—The President is pleased to appoint Shri Kuldip Singh as Presiding Officer Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh w.e.f. 15-03-2004 (F. N.). Shri Kuldip Singh will continue to hold the post of Presiding Officer of the CGIT-cum-Labour Court-II, Chandigarh for a period of three years or until further orders.

[F. No. A-11016/7/2003-CLS-II]

Y. P. SEHGAL, Under Secy.

नई दिल्ली, 23 मार्च, 2004

**का.आ. 905.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 (क) की उपधारा (1) और (2) में प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा उक्त अधिनियम की तीसरी अनुसूची में विनिर्दिष्ट किसी मामले से संबंधित औद्योगिक विवादों के न्यायनिर्णयन के लिए और उक्त अधिनियम के अंतर्गत उसे सौंपे जाने वाले ऐसे अन्य कार्य करने के लिए एक श्रम न्यायालय का गठन करती है जिसका मुख्यालय चंडीगढ़ में होगा और 15-03-2004 (पूर्वाह्न) से श्री कुलदीप सिंह को उस न्यायालय का पीठासीन अधिकारी नियुक्त करती हैं।

[फा. संख्या ए-11016/7/2003-सी.एल.एस-II]

वाई.पी. सहगल, अवर सचिव

New Delhi, the 23rd March, 2004.

**S. O. 905.**—In exercise of the powers conferred by Sub-sections (1) and (2) of Section 7 (A) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an industrial Tribunal with Headquarters at Chandigarh for the adjudication of Industrial Disputes relating to any matter specified in the Third Schedule and for performing such other functions as may be assigned to it under the said Act, and appoints Shri Kuldip Singh as Presiding Officer of the Tribunal with effect from 15-03-2004 (F.N.)

[F. No. A-11016/7/2003-CLS-II]

Y. P. SEHGAL, Under Secy.

नई दिल्ली, 23 मार्च, 2004

**का.आ. 906.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 की उपधारा (1) और (2) में प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा उक्त अधिनियम की दूसरी अनुसूची में विनिर्दिष्ट किसी मामले से संबंधित औद्योगिक विवादों के न्यायनिर्णयन के लिए और उक्त अधिनियम के अंतर्गत उसे सौंपे जाने वाले ऐसे अन्य कार्य करने के लिए एक श्रम न्यायालय का गठन करती है जिसका मुख्यालय चंडीगढ़ में होगा और 15-03-2004 (पूर्वाह्न) से श्री कुलदीप सिंह को उस न्यायालय का पीठासीन अधिकारी नियुक्त करती हैं।

[फा. संख्या ए-11016/7/2003-सी.एल.एस-II]

वाई.पी. सहगल, अवर सचिव

New Delhi, the 23rd March, 2004

**S. O. 906.**—In exercise of the powers conferred by Sub-sections (1) and (2) of Section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a Labour Court with Headquarters at Chandigarh for the adjudication of Industrial Disputes relating to any matter specified in the Second Schedule to the said Act, and for performing such other functions as may be assigned to it under the said Act, and appoints Shri Kuldip Singh as Presiding Officer of that court with effect from 15-03-2004 (F.N.)

[F. No. A-11016/7/2003-CLS-II]

Y. P. SEHGAL, Under Secy.

नई दिल्ली, 29 मार्च, 2004

**का.आ. 907.**—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 3099 दिनांक 15-10-2003 द्वारा सिक्कुरिटी पेपर मिल, होशंगाबाद जोकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 21 में शामिल है, को उक्त अधिनियम

के प्रयोजनों के लिए दिनांक 15-10-2003 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-4-2004 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. संख्या एस-11017/16/97-आई. आर. (पी. एल.)]

जे. पी. पंति, संयुक्त सचिव

New Delhi, the 29th March, 2004

S. O. 907.—Whereas the Central Government having been satisfied that the public interest so required that in pursuance of the provisions of Sub-clause (vi) of the clause

(n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 3099 dated 15-10-2003 the services in the Security Paper Mill, Hoshangabad which is covered by item 21 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 15th October, 2003.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 15th April, 2004.

[F. No. S-11017/16/97-IR(PL)]

J.P. PATI, Jt. Secy.